United States District Court

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

CASE NUMBER: 04-M- 142

(01)	Kenneth MILLER	(16)	Jennifer LOTEMPIO
(02)	Edward WOLOWIEC	(17)	Vito LAVANGO
(03)	Nicole MACPHERSON	(18)	Juan ACEVEDO
(04)	Geoff SWEENEY	(19)	Michael MARCUCCI
(05)	Nicole FLIERL	(20)	Michael CALIGIURI
(06)	Christine WALSH	(21)	Robert FRASER
(07)	Jonathan CASEY	(22)	Ryan BRUNNER
(08)	George FERRIS	(23)	April LEIKER
(09)	Katherine DICKINSON	(24)	Matthew WATSON
(10)	Angelina BELLA	(25)	Louis TIBURZI, JR.
(11)	Dean DAMICO	(26)	
(12)	Michael OLEJARZ	(27)	Dolci LNU
(13)	Jodi OLSZEWSKI	(28)	Andre Garner
(14)	Lynne HEBERLEIN	(29)	Dan SCHOOLEY
(15)	Nicholas ABRAMO	(30)	

FILED
U.S. DISTRICT COURT
WD OF NY
DEC 14 2004
AT____O'C____M.
BY____
TITLE____

I, Special Agent **Mark E. Reimann**, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. Between in or about October 2003, the exact date being unknown, and on or about November 23, 2004 in Erie County, in the Western District of New York and elsewhere,

the defendants did knowingly, willfully, and unlawfully combine, conspire and agree, together and with others known and unknown, to possess with intent to distribute and the distribution of quantities of a mixture and substance containing 3,4-methylenedioxymethamphetamine (MDMA), a Schedule I controlled substance, 5 grams or more of a quantity of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, a quantity of a mixture and substance containing gamma hyrodxybutric acid (GHB), and quantities of a mixture and substance containing ketamine, a Schedule III controlled substance; and conspiracy to import same, in violation of Title 21 United States Code, Sections 841 (a)(1), 846, 960, and 963.

I further state that I am a Special Agent for United States Immigration and Customs Enforcement (ICE) and that this complaint is based on the following facts:

See attached affidavit.

Continued on the attached sheet and made a part hereof: (X) Yes ( ) No

Mark E. Reimann

MARK E. REIMANN, Special Agent
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence,

December 14, 2004 at Buffalo, New York
Date | Cityand State

HONORABLE H. KENNETH SCHROEDER, Jr.
U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

MARK E. REIMANN, being duly sworn, deposes and says:

1. I am a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE) and as such I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

2. I have been employed as a Special Agent of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE) at Buffalo, New York, since March of 2003. Prior to that appointment, I was employed as a Special Agent with the United States Department of Justice, Immigration and Naturalization Service (INS) at Philadelphia, Pennsylvania, since August of 1996.

3. In my capacity as an INS Special Agent, I was assigned to a drug task force commencing in January of 1998. I have had

extensive training in the investigation and prosecution of large-scale illegal drug organizations. In the previous six and one-half years, I have been responsible for the investigation and prosecution of cases involving large-scale cocaine, crack cocaine (cocaine base), heroin, and marijuana distribution organizations. I have assisted in investigations that involved the monitoring and recording of court-authorization Title III interceptions. I am also familiar with how controlled substances are obtained, diluted, packaged, distributed, sold and used within the framework of both drug smuggling and trafficking and how both drug smugglers and traffickers use other person(s) and/or their personal property to facilitate their illegal activities. As part of my duties, I have also been involved in the investigation described below, since the inception of that investigation. This affidavit is made in support of a criminal complaint charging:

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1. Kenneth MILLER	8-32
2. Edward WOLOWIEC	32-51
3. Nicole MACPHERSON	32-51
4. Geoff SWEENEY	51-55
5. Nicole FLIERL	51-57
6. Christine WALSH	57-61

[1] This Index is intended as a quick reference guide to the organization of the criminal compliant. The main targets of the wiretap investigation were Kenneth Miller and Edward Wolowiec and they are referenced virtually throughout the complaint. Many defendants are also referenced in other sections, for instance, if they happen to have been the subject of a Miller or Wolowiec conversation or the subject of agent surveillance.

7. Jonathan CASEY..............................58-64
8. George FERRIS..............................64-68
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25. Louis TIBURZI, Jr.......................... 106-108
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all with violations of Title 18, United States Code, Section 545 (Smuggling Goods Into the United States); Title 21, United States Code, Section 841(a)(1) (Possession with Intent to Distribute a Controlled Substance); Title 21, United States Code, Section 843(b) (Use of a Communication Facility in Furtherance of Drug Trafficking); and Title 21, United States Code, Section 846 (Conspiracy to Possess and Distribute Controlled Substances).

4. As part of my duties, your affiant and other Officers and Agents of ICE, the DEA Buffalo Resident Office, the United States Postal Inspection Service Buffalo Office, and the New York State

Police have, for more than fourteen (14) months, been involved in an extensive investigation regarding the drug smuggling and trafficking activities of EDWARD WOLOWIEC, KENNETH MILLER, and others. The information contained in this affidavit is based upon my personal knowledge, upon reports and information received from other law enforcement officers and agencies, from information gathered from the execution of court-authorized wire surveillance, and information from confidential sources, hereinafter referred to as CS-1, CS-2 and CS-3.

5. As set forth in the Affidavits filed in support of the orders referenced herein, ICE agents have been receiving information from numerous sources. Since approximately October of 2003, CS-1 has been providing information and proactive cooperation to ICE regarding the criminal activities of Kenneth MILLER, and others. In addition, since approximately February of 2004, CS-2 has been providing information and proactive cooperation to ICE agents regarding the criminal activities of MILLER, Edward WOLOWIEC, and others. Lastly, since September of 2004, CS-3 has been providing information and proactive cooperation to ICE agents regarding the criminal activities of MILLER, WOLOWIEC, and others.

6. During the initial period of wire interception for cellular telephone number **(716-444-8143)**, hereinafter **cellular**

telephone 1, your affiant contacted the informant referred to as CS-1 in the affidavit submitted in support of the Order bearing 04-Misc.Cr.-99. Your affiant contacted CS-1 in order to determine various slang, or coded terms, that the interceptees and violators use, and have continued to use, throughout their everyday conversations regarding their drug distribution activity. According to CS-1, individuals involved in such activity use various references, when describing either ecstacy, crystal methamphetamine, GHB, ketamine, or their related combinations. Specifically, CS-1 provided a sampling of such terms as: "E", "V", "vitamins", "beans", and "pills" as all referring to Ecstasy; "cat food" refers to ketamine. "Trail mix" refers to crushed Ecstasy and ketamine. "Meow mix" refers to GHB and "peanut in trail mix" refers to crystal methamphetamine mixed with both Ecstasy and ketamine. Lastly, during a separate interview with ICE agents, CS-3 noted that individuals associated with him/her have used various slang terms when describing Ecstasy. Some of these terms include "tickets," "videos," "beans," and "vitamins." However, CS-3 stated that these examples are simply a few of the many different types of terms associated with Ecstasy.

Background of the Investigation

7. For over fourteen (14) months, the ICE SAIC Office for

Buffalo has been conducting an investigation into the MDMA (Ecstasy), ketamine, GHB, and cocaine smuggling and distribution activities of Kenneth MILLER, Edward WOLOWIEC, and their associates. Through the course of the investigation, your affiant learned that MILLER and WOLOWIEC would make arrangements to obtain MDMA, GHB, and ketamine from varying sources of supply located within the Province of Ontario, Canada. Moreover, they or designated couriers would transport money into Canada, obtain the narcotics, and them smuggle them back into the United States for ultimate distribution. As part of the investigation, ICE also obtained several Title III court orders authorizing the interception of various wire communications of both MILLER and WOLOWIEC, and their associates.

The Wiretap Orders

8. Specifically, on July 29, 2004, the Honorable William M. Skretny, United States District Judge, Western District of New York, issued an Order, bearing Miscellaneous Criminal Number 04-Misc.Cr.-99, authorizing the interception of wire communications for a 30-day period over the **cellular telephone 1 (716-444-8143)**, the cellular telephone of Kenneth MILLER. Interceptions pursuant to this Order commenced on August 3, 2004.

9. On August 25, 2004, the Honorable William M. Skretny, United States District Judge, Western District of New York, issued an Order, bearing Miscellaneous Criminal Number 04-Misc.Cr.-105, authorizing the interception of wire communications for a 30-day period over the cellular telephone number **716-536-9356,** hereinafter **cellular telephone 2** the cellular telephone of Edward WOLOWIEC. Interceptions pursuant to this Order commenced on August 25, 2004.

10. On September 3, 2004, the Honorable William M. Skretny, United States District Judge, Western District of New York, issued an Order, bearing Miscellaneous Criminal Number 04-Misc.Cr.-99, authorizing the continuing interception of wire communications for a 30-day period over the **cellular telephone 1 (716-444-8143).** Interceptions pursuant to this Order commenced on September 3, 2004.

Probable Cause

11. Presented herein is a brief summary of the evidence, including controlled purchases, seizures, representative samples of communications intercepted pursuant to the above-mentioned Title III court orders, as well as other information, all of which illustrate the manner in which the above-named individuals all engaged in a conspiracy to smuggle and possess with intent to

distribute MDMA (Ecstasy), GHB, ketamine, and cocaine. Essentially, the information and interceptions confirmed both Kenneth MILLER'S and Edward WOLOWIEC'S roles in smuggling narcotics, namely MDMA (Ecstasy), GHB, ketamine, and cocaine, into the United States from Canada and providing them to various customers that both collectively and individually they maintained. The intercepts between MILLER, WOLOWIEC, and the aforementioned subjects also demonstrated the manner in which both MILLER and WOLOWIEC would disseminate orders and instructions from their subordinates, and contained conversations pertaining to meetings between both MILLER and WOLOWIEC and their drug associates and/or customers. The evidence with respect to each defendant is summarized as follows.

(1) **Kenneth MILLER**

12. In a subsequent interview, CS-1 stated that MILLER is currently employed as a doorman at CLUB MARCELLA, an alternative nightclub, in Buffalo, NY. CS-1 claimed that MILLER supplies MDMA (Ecstasy), ketamine, and cocaine to the patrons of the establishment. Moreover, CS-1 provided the name of "JOHN" (LNU) as another doorman and as another distributor of narcotics within CLUB MARCELLA. By his/her own admission, CS-1 indicated that he/she had previously purchased both Ecstasy and ketamine from MILLER at CLUB MARCELLA. Moreover, CS-1 claimed to have previously purchased

narcotics at this location on approximately twenty (20) different occasions. Also, CS-1 stated that he/she has previously purchased both Ecstasy and ketamine at MILLER'S former residence in West Seneca, New York. Based on his/her knowledge of MILLER'S narcotics distribution activities, CS-1 estimates that MILLER earns approximately $2,000 to $3,000 per weekend selling narcotics.

13. On November 9, 2003, CS-1 received a telephone call from MILLER. Based on the caller identification on his/her cellular telephone, CS-1 advised that such call had been placed from telephone number of (647-290-4606), a number belonging to MARCO RITACCA, a native of Canada and a citizen of Canada, who currently resides in Canada. MILLER proceeded to converse with CS-1 about a wide range of topics. He did, though, state that he receives all of his tablets of Ecstasy from RITACCA. In addition, he further provided his cellular telephone number as (716) 444-8143 (**cellular telephone 1**). Through this conversation, CS-1 was able to identify JUSTIN COULTER, a resident of Niagara Falls, NY, as someone who repeatedly drives MILLER into Canada and back into the United States.

14. Based on the foregoing information provided by CS-1, your affiant, along with other ICE agents, DEA agents, and an NYSP Investigator undertook an effort to coordinate a series of controlled purchases whereby CS-1 would purchase quantities of MDMA

(Ecstasy) from MILLER, and potentially others associated with the aforementioned criminal enterprise.

15. On March 8, 2004, your affiant received a telephone call from CS-1 in which CS-1 provided details concerning an encounter he/she had with MILLER on the previous Friday (March 5, 2004), while at CLUB MARCELLA in Buffalo, New York. The conversation was not consensually monitored or recorded. CS-1 advised that MILLER stated to CS-1 that Geoff SWEENEY was working for him as a "runner". Specifically, MILLER stated that SWEENEY would both transport money into Canada from the United States, and transport narcotics, namely Ecstasy, GHB, and ketamine, from Canada into the United States. MILLER further indicated that the aforementioned GHB with which SWEENEY was arrested on February 15, 2004, was intended for him (MILLER). Additionally, MILLER was extremely concerned that SWEENEY would make a deal to cooperate with federal law enforcement, and that SWEENEY would, as a part of such cooperation, explain MILLER'S role in the overall criminal enterprise. As a result, MILLER formally questioned CS-1 as to his/her willingness to enter into a business arrangement with him. Specifically, MILLER inquired as to whether CS-1 would be willing to make "runs" with money into Canada and smuggle narcotics back into the United States for distribution. MILLER stressed how important it was to have a "runner" with a clean criminal record. When questioned by CS-1, MILLER stated that he currently purchases

his tablets of Ecstasy from a source in Toronto, ON, other than RITACCA. MILLER stated that he was previously in business with RITACCA, but that he has since entered into business with this other source. Moreover, MILLER explained to CS-1 that he changes his cellular telephone number every four (4) to six (6) months in order to avoid detection from law enforcement. MILLER, again, advised CS-1 that his (MILLER'S) cellular telephone number was then (716) 444-8143 (**cellular telephone** 1) in order to facilitate future contact. Lastly, CS-1 mentioned the name of Andrew SCHMITT, and indicated that he/she previously purchased tablets of Ecstasy from him. MILLER, in turn, stated that he does not wish to have any future dealings with SCHMITT because he is too unreliable. MILLER went on to explain to CS-1 that his "runners" tend to conceal the tablets of Ecstasy in their rectum in order to avoid detection from Customs and Border Protection (CBP) Inspectors at the area bridges (border crossings).

16. On March 12, 2004, during an interview with both ICE and DEA agents, CS-2 further advised that Ken MILLER is a distributor of narcotics within the Western New York area. CS-2 indicated that he/she has frequently observed MILLER at CLUB MARCELLA in Buffalo, New York. At the time, CS-2 further indicated that the name of MILLER'S girlfriend is "ERIN" LNU (later identified by ICE as Erin ROCHE) and that they both reside together in Lackawanna, NY.

17. On March 14, 2004, CS-1 contacted your affiant and provided details of his/her encounter with MILLER the previous evening (March 13, 2004) at CLUB MARCELLA in Buffalo, NY. While there, CS-1 personally witnessed MILLER supply Ecstasy pills to various doormen whom CS-1 described as the owner of the nightclub. In addition, MILLER engaged CS-1 in further conversation about entering into business with him. The business, in question, would involve the smuggling of narcotics from Canada into the United States for distribution. Moreover, MILLER described in detail to CS-1 how he provides tablets of Ecstasy to the various doormen of CLUB MARCELLA in order to allow him to distribute his Ecstasy pills within the club itself. CS-1 has stated to your affiant that MILLER, himself, is a doorman at CLUB MARCELLA. CS-1 indicated to MILLER that he/she would be interested in the aforementioned business, and requested that they converse at a later date.

18. On March 16, 2004, at approximately 5:45 p.m., MILLER contacted CS-1 on his/her cellular telephone. During the ensuing conversation, MILLER initially mentioned the use of e-mail and specifically requested CS-1's e-mail address for subsequent correspondence. Specifically, MILLER advised CS-1 that he (MILLER) wanted to limit the use of the telephone for "business" (narcotics) transactions. In addition, MILLER claimed to have received a telephone call from "JAY," his source for narcotics in Canada (later identified by ICE as Jayson RACZ) When asked, CS-1 provided

MILLER with "JAY'S" telephone number. CS-1 was able to provide MILLER with "JAY'S" cellular telephone number because "JAY" befriended CS-1 while he/she was living in Canada. MILLER, therefore, indicated that he would try to contact "JAY" to arrange for the smuggling of narcotics, namely Ecstasy, into the United States. Again, MILLER stressed to CS-1 the importance of using e-mail communications in order to limit telephone contact. MILLER requested that CS-1 check his/her e-mail the following day (March 17, 2004) for additional details.

19. CS-1 has further identified "JAY" to your affiant as JAYSON RACZ. According to CS-1, RACZ is a significant supplier of narcotics in Canada. CS-1 stated that RACZ, who lives on Church Street (in an unknown apartment) in Toronto, ON, resides with STEVE LNU, his current boyfriend. It should be noted that RACZ'S previous telephone number was (416) 986-7220.

20. On March 17, 2004, at approximately 1:06 p.m., under the direction of your affiant, CS-1 placed a consensual telephone call to MILLER at the **cellular telephone 1**. During the call, which was monitored by both NYSP Investigator Curt Blizzard and your affiant, CS-1, when MILLER failed to answer the phone, recorded a voice mail message for MILLER.

21. On March 17, 2004, CS-1 granted your affiant permission

to access his/her e-mail account in order to determine whether MILLER had forwarded any messages onto him/her. Results indicated that, on March 16, 2004, MILLER had sent him/her a message detailing the arrangements whereby CS-1 could obtain narcotics in Canada, and then smuggle them back into the United States. According to header information, the source address for the e-mail was kataset69@hotmail.com. Subpoenaed records obtained from Microsoft Corporation reveal that such Hotmail account is subscribed to Kenneth J. MILLER.

22. On March 18, 2004, MILLER, utilizing **cellular telephone 1**, returned a telephone call to CS-1. Upon the completion of the conversation, CS-1 notified, and was debriefed by, your affiant. According to CS-1, MILLER initially made reference to potentially driving to Canada, either Friday (March 19, 2004) or Saturday (March 20, 2004), in order to purchase Ecstasy and smuggle it back into the United States. In addition, MILLER requested that CS-1 assist him by picking him up, driving to a local bank to cash his check, and then transporting him up into Canada to conduct business. The call concluded upon MILLER providing CS-1 directions where they could meet prior to departing for Canada. The location that MILLER requested was a new residential development within Orchard Park, NY.

23. On March 18, 2004, CS-1, at the direction of your

affiant, recorded two (2) conversations involving RACZ. Following the said telephone calls, your affiant debriefed CS-1. CS-1 initially received a telephone call from RACZ, and during that call, CS-1 advised RACZ that CS-1 had previously attempted to contact RACZ at work, but there was some confusion regarding automated voice mail menu on RACZ's work telephone. CS-1, then, proceeded to question RACZ about MILLER, and whether the two (RACZ and MILLER) had been in contact. Although RACZ stated that he had not been in contact with MILLER, RACZ did indicate that he would attempt to contact MILLER. RACZ further indicated that he would call CS-1 later. Subsequently, on that same day, RACZ called CS-1 and advised CS-1 that he (RACZ) was unable to contact MILLER. RACZ indicated that he would continue to make additional attempts to contact MILLER and that he would make follow-up contact with CS-1 once he reached MILLER. In addition, RACZ indicated that the correct telephone number (and extension) for his office was 1-888-217-9861 x 2034.

24. On March 21, 2004, your affiant was contacted by CS-1, who provided details of his/her previous day's activities, as well as his/her interactions with MILLER and RACZ. According to CS-1, on Saturday, March 20, 2004, CS-1 and MILLER drove from the Western New York area, to Toronto, ON. CS-1 and MILLER arrived at about 5:10 p.m. It should be noted that CS-1's action was conducted without prior authorization nor sanction by either ICE or DEA

agents. Once in Toronto, CS-1 and MILLER met RACZ on the street outside of his Church Street apartment. RACZ proceeded to drive CS-1 and MILLER to a local coffee shop and drop them off while he met up with another individual at an unknown location to obtain various tablets of Ecstasy. Upon his return, RACZ charged MILLER $5 per pill. MILLER subsequently paid RACZ $500 in return for 100 tablets of Ecstasy. After completing the transaction, RACZ was dropped off at his apartment, while MILLER and CS-1 proceeded back to the United States. CS-1 indicated that they entered the United States via the Peace Bridge POE, briefly returned to MILLER'S apartment in Lackawanna, NY, and proceeded to CLUB MARCELLA in Buffalo, NY. While at CLUB MARCELLA, MILLER began to sell the recently purchased Ecstasy to various individuals and patrons. CS-1 indicated that at some point that night, MARCO RITACCA, another supplier of narcotics within Ontario, Canada, became aware that MILLER was dealing with RACZ. As a result, RITACCA contacted "FRAN" (LNU), another supplier of narcotics within Buffalo, New York, and requested that she immediately go to CLUB MARCELLA and begin selling her supply of Ecstasy tablets. Upon learning that "FRAN" (LNU) had arrived at the CLUB MARCELLA and was distributing Ecstasy there, MILLER had "FRAN" (LNU) escorted from the premises by some of the Club's doormen. Upon leaving CLUB MARCELLA, MILLER gave CS-1 the excess Ecstasy tablets - sixty-two (62) - to distribute. CS-1 indicated to MILLER that he/she would be able to sell them to his/her friend "SUE" (an undercover NYSP Investigator) in Jamestown, New York. Lastly, CS-1 stated that he/she would be in touch with MILLER on Monday (March 22, 2004) to discuss the transfer of money from the sale of the sixty-two pills.

25. On March 22, 2004, NYSP Investigator Curt Blizzard and your affiant conducted a meeting with CS-1 in Fredonia, NY. While there, CS-1 personally handed over sixty-two (62) pills of Ecstasy. CS-1 further indicated that he/she was anticipating a telephone call from MILLER to arrange for CS-1 to pay MILLER for the pills. The Ecstasy pills provided by CS-1 were transported to the DEA Resident Office in Buffalo, NY and subsequently turned over to DEA SA Jefferie Ludwick for examination and analysis. Later that same evening, at approximately 8:17 p.m., CS-1 received a telephone call from MILLER, who was utilizing **cellular telephone 1**. During the call, MILLER indicated that he would like to meet CS-1 in order to arrange for the exchange of money from CS-1's supposed sale of sixty-two (62) tablets of Ecstasy. MILLER and CS-1 agreed that the two would meet at 7:00 p.m. on March 23, 2004, at the McKinley Mall parking lot in Hamburg, New York, so that CS-1 could pay MILLER for the pills.

26. On March 23, 2004, a consensual undercover "meet" between CS-1 and MILLER was planned for the McKinley Mall in Hamburg, NY. CS-1 was given $1,000 in official ICE funds in order to purchase sixty-two (62) tablets of Ecstasy. Finally, in preparation for the

controlled purchase, CS-1 and his/her vehicle were searched for contraband and/or weapons with negative results. A preamble was provided to CS-1 by ICE SA Jack Waugaman, and recorded at approximately 6:56 p.m.

27. At approximately 7:15 p.m. on March 23, 2004, CS-1 conducted a meeting with MILLER at the McKinley Mall parking lot. Through surveillance, it was determined that MILLER was driving a maroon Chevrolet, bearing New York State registration CPS 2015. Through TECS Indices, it was determined that the said automobile was registered to ERIN C. ROCHE (DOB 06/08/1979) residing at 11 Leo Place, Upper Apartment, Lackawanna, New York.

28. Upon his arrival, MILLER entered CS-1's automobile and initiated conversation about RACZ, his source of narcotics in Canada. MILLER indicated that RACZ would only provide tablets of Ecstasy upon receiving the appropriate money. In addition, MILLER discussed plans to travel to Canada on the following day (March 24, 2004) in order to purchase additional tablets of Ecstasy and smuggle them into the United States for distribution. Moreover, MILLER stated that he would personally make contact with his various acquaintances in order to facilitate the necessary travel arrangements. CS-1 stated that he/she was not interested in participating in making various "runs" into Canada for such a purpose; CS-1 indicated that the risk was simply too great. MILLER

concurred and discussed with CS-1 an individual identified as Marco RITACCA. It should be noted that CS-1 and RITACCA previously resided together and CS-1 had previously assisted RITACCA with drug distribution activities in Canada.

29. During their meeting, MILLER also explained his plans for the following day. Specifically, MILLER advised CS-1 that his intention was to order 150 Ecstasy pills for a total cost of approximately $850. Thereafter, CS-1 provided MILLER with $1,240, which purportedly represented the proceeds of the sale of the sixty-two (62) pills of Ecstasy that MILLER provided to CS-1. MILLER stated that he would keep $200 of that money, while providing $200 to CS-1. Upon discussing finances, MILLER claimed that he would be accompanying his perspective driver on their next trip to Canada. He stated that he would not let that particular person drive alone. When questioned by CS-1, MILLER claimed to pay $1 per pill for each shipment of Ecstasy pills. Later in the same conversation, MILLER, again, repeated his intentions for ordering 150 Ecstasy pills for this upcoming Friday (March 26, 2004). MILLER further reiterated that he would keep $200 for himself, while CS-1 would keep $200 for himself/herself. Furthermore, MILLER claimed that he would be receiving an additional $200 this upcoming weekend due to previous narcotics sales.

30. Lastly, during their conversation, MILLER discussed with

CS-1 MILLER'S intentions regarding further narcotics sales. In particular, MILLER expressed that he would like to keep his business going by making more and more money, and subsequently ordering more and more pills for eventual distribution. MILLER even made reference to continuing to distribute Ecstasy tablets in CLUB MARCELLA. MILLER stated that he would call CS-1 at a later date in order to discuss future plans. MILLER then exited CS-1's vehicle, returned to his vehicle, and drove away from the "meet" location.

31. Thereafter, at approximately 7:36 p.m. on that same day, the recording device was deactivated. CS-1 provided ICE SA Ray Villanueva with the $200 that MILLER had provided to CS-1 during their meeting.[2] A subsequent search of CS-1's vehicle for contraband and/or weapons yielded negative results.

32. Following such meeting, other ICE agents conducted brief vehicle surveillance on MILLER. The purpose was to ensure that counter-surveillance was not being conducted as well as to determine where MILLER may currently be residing. It was later determined that MILLER had parked his vehicle outside 47 Colton

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[2]ICE Agents subsequently analyzed the currency provided by CS-1. All of the $200 originally came from the currency ($1,240) that was originally provided to MILLER by ICE Agents through CS-1. The said currency was temporarily stored at the ICE SAIC Buffalo Office pending transfer to the Department of Homeland Security - Office of Fines, Penalties, and Forfeiture (FP&F).

Street, Lackawanna, New York.

33. On August 3, 2004, at approximately 7:26 p.m., MILLER using **cellular telephone 1** contacted WOLOWIEC on **cellular telephone 2**. Initially, MILLER questioned WOLOWIEC as to whether he was still in Canada. Upon confirming that he was, MILLER indicated that he would be sending WOLOWIEC some money via a wire transfer. WOLOWIEC proceeded to spell his last name for MILLER in order to ensure that all of the required documentation was accurate. MILLER stated that he would try to send the money before 8:00 p.m. There was no indication of the amount of the wire transfer. However, WOLOWIEC indicated that he needed to "re-up." With that, MILLER stated that he "roughly got about forty left." In addition, MILLER indicated that it was not that great a weekend for him, but stated that business will pick up. The telephone call terminated with MILLER indicating to WOLOWIEC that he would contact him in a few minutes.

34. On August 3, 2004, at approximately 7:43 p.m., MILLER using **cellular telephone 1** again contacted WOLOWIEC on **cellular telephone 2**. In the conversation which followed, MILLER (KM) provided WOLOWIEC (EW) with a money control transfer number or wire transfer:

KM: Eight, seven, eight, zero, six, one, six, eight, zero, eight (8780616808).

EW: Alright, eight, seven, eight, zero, six, one, six, eight, zero, eight (8780616808).
KM: Exactly.
EW: Good? Alright!
KM: Right on the nose, Bud. Hey ...
EW: We'll see ya' tomorrow.
KM: Alright buddy, have a good trip.
EW: Alright Kenny, thanks.

35. Based on the contents of this telephone call, your affiant subpoenaed various records from Western Union. Results indicate that a wire transfer did occur on that particular evening involving the said money control transfer number. According to records obtained by Western Union, MILLER wired money from a location in Blasdell, NY to WOLOWIEC at a location in Niagara Falls, Ontario. In addition, a review of the Treasury Enforcement Communications System (TECS) indicates that, on August 4, 2004, at approximately 1:20 a.m., a passenger vehicle bearing New York State license plate CPP2270, registered to EDWARD WOLOWIEC and operated by EDWARD WOLOWIEC, entered the United States at the Rainbow Bridge Port of Entry (POE) in Niagara Falls. Based upon the foregoing and your affiant's knowledge of this investigation, your affiant believes that during this series of calls, WOLOWIEC, who was in Canada to pick-up drugs, contacted MILLER in order to obtain the funds WOLOWIEC needed to obtain the drugs MILLER would be obtaining. MILLER'S reference to "forty" indicates to your affiant that WOLOWIEC was picking-up Ecstasy (which usually comes in pill form) and that MILLER was advising WOLOWIEC that he only has about 40 Ecstasy pills left.

36. On August 5, 2004, at approximately 7:19 p.m., MILLER using **cellular telephone 1** contacted WOLOWIEC on **cellular telephone 2**. Initially, WOLOWIEC questioned MILLER about the money previously wired on Tuesday (August 3, 2004). MILLER, then, indicated to WOLOWIEC that he still owes him for thirty-three (33) pills that he has not sold yet. WOLOWIEC indicated that his girlfriend, Nicole MACPHERSON, as well as himself are planning on going out tonight to make some money. WOLOWIEC stated that he is broke, and that he wants to re-up, but he doesn't have the money to re-up. Later in the same conversation, MACPHERSON, who was speaking with MILLER, discussed how a certain percentage of the money was intended for her, while some additional money was intended for WOLOWIEC. Both MILLER and MACPHERSON talked about meeting up in person later because, as MACPHERSON tells him, "Yeah, it's probably better not to talk on the phone."

37. On August 7, 2004, at approximately 1:11 a.m., MILLER using **cellular telephone 1** contacted WOLOWIEC on **cellular telephone 2**. Initially, MILLER indicated to WOLOWIEC that it is a slow night at the club (CLUB MARCELLA), but that he would be "going till the morning ... the end of the club night." MILLER did state, though, that he had MACPHERSON'S money. WOLOWIEC stated that both MACPHERSON and himself would be over to the club to pick-up the money.

38. On August 7, 2004, at approximately 4:02 p.m., MILLER using **cellular telephone 1** contacted MACPHERSON on **cellular telephone 2.** MACPHERSON stated that she is quite upset because WOLOWIEC has her money. She, further, tells MILLER that when WOLOWIEC returns, she'll call him and then MILLER can instruct them on where to meet.

39. On August 7, 2004, at approximately 7:09 p.m., MILLER using **cellular telephone** 1 contacted WOLOWIEC on **cellular telephone 2**. WOLOWIEC makes reference to the fact that he is still waiting (for something). MILLER, then, indicated that, "Hopefully, later on tonight, cause there's money to be made tonight." WOLOWIEC replied by asking MILLER if there is anything for him. In turn, MILLER indicated that he is " ... waiting for tonight, big after hours Y going down tonight, so ... " MILLER, then, invited WOLOWIEC down to the club to spend some time together.

40. On August 7, 2004, at approximately 9:57 p.m., MILLER using **cellular telephone 1** contacted MACPHERSON on **cellular telephone 2.** Initially, MILLER stated that he was returning a call to WOLOWIEC. MACPHERSON expressed how angry she still was about having to wait for some guy who owes her money. Further, MACPHERSON indicated to MILLER that WOLOWIEC wants to know how he is doing. MILLER responded by saying he has $100.

41. On August 12, 2004, MILLER, at approximately 5:26 p.m., using **cellular telephone 1,** contacted MACPHERSON on **cellular telephone 2** and discussed additional orders of narcotics from their sources in Canada.

NM: Well, we went to, we're in Canada right now.
KM: That's cool.
NM: yeah, but we'll work it out this weekend cause I know the one, one fifty (1, 150) was for the one batch. The one fifty (150) for the next batch then we gotta try to re-up this weekend.
KM: Definitely, definitely.

42. On August 14, 2004, at approximately 11:13 p.m., MILLER, using **cellular telephone** 1, received a telephone call from (716) 536-9356, **cellular telephone 2**. Initially, MILLER states that he thinks that he has over a hundred (100). WOLOWIEC requests that MILLER stop by the house because she (MACPHERSON) has something for him. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation MILLER is advising WOLOWIEC of how much drugs and/or money he has.

43. On August 15, 2004, at approximately 2:04 p.m., MILLER, using **cellular telephone** 1, received a telephone call from WOLOWIEC, who was using **cellular telephone 2.** During the call,

MILLER advised WOLOWIEC that he was all out of narcotics to distribute:

EW: You want us to stop down there?
KM: Yeah, I, I ... need to, I'm all out.
EW: Okay.
KM: So, bring the other goodies too, okay?
EW: Okay. Yeah. You got it.

44. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation, MILLER is making arrangements to obtain additional quantities of drugs from WOLOWIEC.

45. On August 20, 2004, at approximately 3:13 p.m., MILLER, using **cellular telephone 1**, received a telephone call from MACPHERSON (NM), who was utilizing **cellular telephone 2**, regarding which international bridge to cross back into the United States from Canada:

NM: Oh, you don't have insurance on it. Oh shit! Louis, is Louis not home ... well, no, 'cause we don't want to go over that bridge over there. We want to go over there at the Rainbow Bridge, so.
KM: Oh, Louis is not home.
NM: Oh no?
KM: No.
NM: Alright, well, we'll haul ass 'cause we gotta haul ass. We gotta be down there before six thirty (6:30 p.m.).

46. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that

during this conversation MILLER is discussing with MACPHERSON, who is WOLOWIEC's girlfriend, how best to return from Canada.

47. On August 21, 2004, at approximately 5:46 p.m., MILLER, using **cellular telephone 1**, received a telephone call from (716) 578-4242, a telephone registered to Christopher McCoy, but utilized by TONY LNU (TL). Within the conversation, TONY LNU questioned MILLER about the availability of narcotics for the upcoming weekend:

TL: Uh, is there a chance that uh, you and I might be able to get together and chat a bit one on one about whether uh, you might be able to help me out with something this weekend?
KM: Um there's a chance but like, on the tip, I still haven't got my license. I haven't been going over the border. I'm still getting them from the same guy.
TL: Uh.
KM: But, I'll talk about it downtown with you but uh, I'll definitely talk about it downtown.

48. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation, TONY LNU is questioning whether MILLER might be able to provide him with narcotics. Conversely, MILLER is advising TONY LNU that he is not going to Canada in order to obtain narcotics but that he relies on someone else (WOLOWIEC) to obtain the narcotics for him in Canada.

49. On August 21, 2004, at approximately 8:07 p.m., MILLER,

using **cellular telephone 1**, received a telephone call from (716) 622-0559, a telephone number registered to Mark and Pam Brunner and utilized by ANITA LNU (AL). During the conversation, ANITA LNU questions MILLER about his supply of Ecstasy.

AL: What do you have, what, what color?
KM: My house?
AL: No, no.
KM: Oh, oh, oh! Yeah, yeah. Uh, pink.
AL: Pink, oh, all right. Well let me call you back then, okay? Because I'm trying to do that now so Y

50. On August 22, 2004, at approximately 1:50 a.m., MILLER, using **cellular telephone 1**, received a telephone call from (716) 563-1991, a telephone registered to an unknown subscriber, but utilized by SEAN LNU. The brief conversation centered around SEAN LNU's effort to obtain a quantity of GHB from MILLER.

KM: Hey, what are you doing, bud?
SL: Partying.
KM: Where you at, six five eight (658)?
SL: Um, I'm going to be shortly. Why, what's up?
KM: Hey, do you know anyone who's got any of the meow mix?
SL: Um, I don't know. Let me call you back in like five (5) minutes. I'm talking to somebody right now about the -
KM: Okay, buddy. Cool. Alright.

51. Immediately following the preceding call, on August 22, 2004, at approximately 1:53 a.m., MILLER, using **cellular telephone 1**, dialed **cellular telephone 2**. Similar to the aforementioned telephone call with SEAN LNU, MILLER contacted WOLOWIEC to inquire about the availability of GHB.

KM: ... buddy. I had a question, um, you know the, you know the rat piss stuff that, uh, Geoff got in trouble with ... ?
EW: Yeah.
KM: Do you have any of that by any chance?
EW: No.
KM: ... Hey, tell, tell Nicole she'll be happy. I got her, I got her some money.
EW: Okay. Okay, she'll be happy to know.
KM: Good, good. Alright buddy. I'll give you a call back ...

52. On August 22, 2004, at approximately 2:55 p.m., MILLER, using **cellular telephone 1**, dialed WOLOWIEC over **cellular telephone 2** to inquire about the availability of narcotics.

KM: ... Um, hey, uh, would I possibly be able to come see you for some more?
EW: I'm out.
KM: Oh, me too.
EW: The other stuff you talked about?
KM: Yeah.
EW: Yeah.
KM: Oh, okay, cool. Cool, cool. Um, let me ...
EW: ... Catch up with me.
KM: I'll give you a call ... call me when you get home. Call me when you get home.

53. On August 26, 2004, at approximately 9:26 p.m., MILLER, using **cellular telephone 1**, dialed a call to telephone number (716) 444-8529, a telephone registered to and utilized by Erin ROCHE (ER). Within the conversation, both individuals discuss the availability of narcotics for the upcoming weekend.

KM: Hey, um, there might be, um, meow mix around too this weekend if there is I'll give you guys a ring. Good places, so I'll let you guys know okay?

ER: As long as it's not like seven hundred a ball.

KM: No, no, no, no, no. You know the weekend you, the weekend I talked to you and you had asked me.

ER: Yeah.

KM: You know what they charged my friends? Three hundred and fifty.

ER: What's that?

KM: That friggin' ... charged my friends three hundred and fifty a ball, like three hundred and fifty for a ball.

ER: Okay.

KM: But, no, I mean that's not, I wasn't trying to fuck you guys that weekend it was just

ER: Oh, I know. It was just how much, how much you got it for, I know.

KM: I know, oh I didn't even do it, fuck that, it was way too much.

ER: Right.

KM: Fuck that, that's garbage, that was waste..I'll give you guys a call this weekend, okay?

ER: Cool, please do.

54. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation, MILLER and ROCHE are discussing the price of narcotics and that MILLER might be able to provide some to ROCHE at a cheaper price than he had previously offered it to her.

55. On September 17, 2004, at approximately 4:50 p.m., a surveillance operation was reinitiated by both ICE and DEA agents as well as NYSP investigators on the residence of Edward WOLOWIEC located at 216 Nassau Avenue, Buffalo, NY. At approximately 4:53 p.m., surveillance observed a New York plated vehicle (53225JC) was

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parked on the side of the road, directly in front of 216 Nassau Avenue. A record check through TECS indicated that the vehicle, a 1997 blue Ford Pick-up truck, was registered to Paul D. SCHUNK (DOB 04/14/1964) residing at 2060 Eden Evans Center, Eden, NY. It should be noted, however, that wire interception over the cellular telephone of MILLER has yielded information indicating that MILLER, himself, had purchased the said vehicle from SCHUNK. Although the registration information has not been fully updated with the New York State Department of Motor Vehicles (DMV), ICE has learned that MILLER is currently operating the said New York plated vehicle (53225JC).

56. At approximately 5:10 p.m., New York plated vehicle (53225JC) departed 216 Nassau Avenue. Both ICE and DEA Agents observed said vehicle travel through the Village of Kenmore, into the city limits of Buffalo, proceed onto I-190 South, and eventually onto Route 5 West.

57. At approximately 5:38 p.m., NYSP conducted a traffic stop on New York plated vehicle (53225JC) based on a violation of the New York State Vehicle and Traffic Laws. The traffic stop, itself, occurred at the Ridge Avenue exit, westbound off of Route 5.

58. At approximately 5:46 p.m., ICE Agents observed an individual, later identified as MILLER, standing next to the

aforementioned vehicle. At approximately 5:56 p.m., this writer received notification from NYSP that numerous suspected MDMA tablets (Ecstasy) were discovered in the aforementioned vehicle.

59. The scope of Kenneth MILLER'S drug smuggling and drug trafficking organization, including its membership, is further established by the following:

(2)Edward WOLOWIEC
(3)Nicole MACPHERSON

60. On March 12, 2004, during an interview with both ICE and DEA agents, CS-2 additionally identified Eddie WOLOWIEC as another supplier of narcotics within the Western New York area. CS-2 claimed that WOLOWIEC recently purchased approximately 100 tablets of Ecstasy (with white kangaroos) from a female named "NICOLE," who is employed as an exotic dancer (stripper) in Ontario, Canada. (Through wire interception of the cellular telephone of WOLOWIEC, and multiple surveillance operations, ICE has learned that "NICOLE" is actually Nicole MACPHERSON, his girlfriend.) At the time, CS-2 believed that WOLOWIEC resided at 216 Nassau Avenue, Kenmore, NY. CS-2 provided WOLOWIEC'S residential telephone number is (716) 432-3063, while his cellular telephone number is (716) 908-9425. Moreover, CS-2 indicated that WOLOWIEC currently operates a vehicle bearing New York registration CPP-2270. Through a review of TECS Indices, it was determined that the aforementioned license plate is

registered to a 2003 black, four-door Ford and that the registered owner for such vehicle is Edward T. WOLOWIEC (DOB 12/18/1956) with an address of 17 Isabelle Road, Cheektowaga, NY. Using the vehicle information provided by CS-2, this writer queried the TECS Indices to determine the border-crossing pattern of WOLOWIEC, and specifically, his 2003 Ford, bearing New York Registration CPP-2270. Results of that query revealed that between January 20, 2004, and July 28, 2004, with the last border crossing being July 28, 2004, such vehicle made seventy-seven (77) border crossings between the United States and Canada.

61. On August 7, 2004, at approximately 5:23 a.m., WOLOWIEC using **cellular telephone 2** contacted MILLER using **cellular telephone 1**. When asked, WOLOWIEC indicated to MILLER that "he didn't show up yet." In addition, WOLOWIEC stated to MILLER that he would "give him a call, find out what's going on."

62. On August 7, 2004, at approximately 11:07 p.m., MACPHERSON, using **cellular telephone 2**, contacted MILLER on **cellular telephone 1**. MACPHERSON questioned MILLER as to whether MILLER has been in contact with 'Andre GARNER because Gina (believed by ICE to be Angelina BELLA) wants something. MILLER stated that Andre GARNER is charging $50 for a half. MILLER stated that he will contact Andre GARNER to see if he has any left, and will subsequently return a call to MACPHERSON.

63. On August 8, 2004, at approximately 4:22 a.m., WOLOWIEC using **cellular telephone 2** contacted MILLER on **cellular telephone 1**. WOLOWIEC proceeded to question MILLER as to his profits for the night. MILLER replied that it was slow, but that he has money for WOLOWIEC. In additional conversations (at approximately 4:39 a.m. and 11:51 a.m.) between MACPHERSON using **cellular telephone 2**, MILLER discussed making additional money through the sale of narcotics during various parties that day. However, through conversation, it appears that MACPHERSON is frustrated by the lack of proceeds.

64. On August 26, 2004, at approximately 5:22 p.m., WOLOWIEC, using **cellular telephone 2**, contacted GETTY LNU at (905) 324-0418. It should be noted that "GETTY" LNU was later identified through Royal Canadian Mounted Police (RCMP) as Christopher Francis ENGLAND, a native of Canada and a citizen of Canada, currently residing in St. Catharines, Ontario.

EW: Yeah. When am I, when can I come by?
CE: Uh, probably later on.
EW: What time?
CE: We just finished it this morning.
EW: Okay.
CE: Okay?
EW: Yeah, the other stuff, really, nobody, didn't get a anything out of it.
CE: Yeah, I know.

65. Later in the conversation, ENGLAND provided WOLOWIEC with

instructions on how to smuggle the product, namely GHB, into the United States:

EW: Well, what's that, how could I do it?
CE: Do it the old way.
EW: I, I, I don't you still got that at your house or did?
CE: Huh?
EW: I, I don't know. I gotta big, get one of those things, then.
CE: Yeah, you gotta get one of those water bottles.

66. On August 26, 2004, at approximately 8:03 p.m., WOLOWIEC, using **cellular telephone 2**, received a telephone call from Kenneth MILLER at (716) 444-8143 (herein referred to as **cellular telephone 1**).

> KM: Oh gee, I was wondering if I could I'm going to that Slipknot concert so I'm getting out of work at 11:00. Um, I was wondering if I could meet you before.
>
> EW: Uh-huh.
>
> KM: ...because I'd like to, I'd like to catch up with you before I head tomorrow night. So
>
> EW: Yeah, I got, I got go grab some stuff yet.

67. On August 27, 2004, at approximately 12:10 a.m., WOLOWIEC, using **cellular telephone 2**, received a telephone call from SHERRY LNU at (905) 931-9387, a telephone registered to Tania BUBNICK regarding picking up an order of narcotics, namely Ecstasy. It should be noted that ICE, through the RCMP, has learned that SHERRY LNU is currently residing at an apartment in St. Catharines, Ontario with BUBNICK.

EW: Alright, why don't I do like half, fifty-fifty (50-50)?

SL: Um, I don't know.

EW: And then tomorrow, I'll, I'll get

SL: Yeah.

EW: ... get, get the rest.

SL: Get the rest?

EW: Yeah.

SL: Okay, I'll get it ready for you right now.

68. On August 27, 2004, at approximately 10:11 p.m., WOLOWIEC, using **cellular telephone 2**, received a telephone call from Christopher Francis ENGLAND at (905) 324-0418. Throughout the conversation, both individuals discussed both distributing and using GHB as well as making reference to keeping their conversations to a minimum on the telephone.

69. On August 31, 2004, at approximately 4:15 p.m., MACPHERSON, using **cellular telephone 2**, received a telephone call from Matthew CHURCHILL (MC) at (678) 463-9054. During the telephone call, CHURCHILL questioned MACPHERSON about the availability of narcotics.

MC: You guys wouldn't happen to have any of those strawberries or monkeys do you?

NM: No we're out.

MC: So you're you're out of everything ha?

NM: Yeah we're out of everything right now.

MC: Shit. Yeah I can't get a hold of everyone.

NM: I have nothing I can't help you sweetie I'm sorry.

MC: Oh. I should've just waited and waited for you guys to get home.

NM: Yeah but we're talking honey hey hey we're talking too much on the phone honey.

70. On September 2, 2004, at approximately 7:16 p.m., WOLOWIEC, using **cellular telephone 2**, received a telephone call from SHERRY LNU at (905) 931-9387, a telephone registered to Tania BUBNICK regarding picking up an order of narcotics, namely Ecstasy. Within the conversation, both WOLOWIEC discussed the availability of narcotics, how many SHERRY LNU currently had, and when would be an appropriate time in order to physically pick them up.

71. On September 6, 2004, at approximately 4:59 a.m., WOLOWIEC, using **cellular telephone 2**, received a telephone call from Matthew CHURCHILL at (678) 463-9054. CHURCHILL indicated to WOLOWIEC that there were numerous individuals questioning him about the availability of narcotics.

MC: Oh well, there's some people here that wanted, wanna get some stuff. You guys wanna come down here, and you know.

EW: You wanna buy it? And you can sell it to 'em.

MC: I don't have the money to do it. To do that.

EW: No? Well, gather it up and I'll ... sell it to 'em

72. During the third week of September of 2004, ICE agents conducted an interview with CS-3. During questioning, CS-3 provided the name of Ed WOLOWIEC, and stated that he is a major source of supply for both Ecstasy and GHB. CS-3 stated that

WOLOWIEC currently resides with his girlfriend, NICOLE (previously identified by ICE Agents as Nicole MACPHERSON), at 216 Nassau Avenue, Kenmore, NY. CS-3 mentioned that NICOLE has started to obtain cocaine, at a minimum of one (1) ounce at a time, from the Hells Angel's Motorcycle Group in Canada, and, in turn, has smuggled it into the United States in her vagina. In fact, according to CS-3, WOLOWIEC receives his Ecstasy pills and GHB from the same Hells Angel's Motorcycle Group. CS-3, further, stated that WOLOWIEC and MACPHERSON travel to Canada approximately two (2) to three (3) times per week. CS-3 believed that WOLOWIEC is currently driving a rented vehicle. CS-3 stated that WOLOWIEC prefers to travel to Canada and conduct his narcotics smuggling during the middle of the week because he feels that it is easier to cross the international border.

73. On September 17, 2004, CS-3 stated that purchased thirty (30) Ecstasy pills from WOLOWIEC for $10 per pill. CS-3 indicated that, now, he/she only purchases thirty (30) to fifty (50) Ecstasy pills from WOLOWIEC per week. CS-3, by his/her own account, has been receiving Ecstasy pills from WOLOWIEC since May of 2004. According to CS-3, though, WOLOWIEC has been in the business of both narcotics smuggling and distribution since February of 2004. Over the recent Labor Day weekend (of 2004), CS-3 stated that WOLOWIEC smuggled approximately 200 Ecstasy pills into the United States from Canada. In addition, last week, CS-3 claimed to have

personally seen one (1) two-liter bottle of GHB out on the counter at the residence of Edward WOLOWIEC at 216 Nassau Avenue, Upper Apartment, Buffalo, NY.

74. On September 24, 2004, at approximately 1:46 p.m., WOLOWIEC, using **cellular telephone 2**, contacted Matthew CHURCHILL at (678) 463-9054 regarding the availability of narcotics.

EW: Thanks for getting that for me, appreciate it.

MC: Oh not a problem. Anytime uh, you know, uh just let me know and uh but usually I gotta have the cash you know.

EW: Yeah, that, well that's the thing with the pills and that. We've been letting you go on that but we really need the cash.

MC: I will uh, get up with ya, later tonight about that. Now, uh, fifty (50) of them you could nine (9) right?

EW: Yeah.

MC: Okay, cool. Alright, I will let you know, I might even, I might even bring it by tonight. I don't know, we'll see.

EW: Otherwise you gotta, you know stay where its at 'cause its just, too much up-front money.

75. On September 20, 2004, under the direction of your affiant, CS-3 placed a consensual telephone call to the cellular telephone of Edward WOLOWIEC (**cellular telephone 2**) at approximately 6:03 p.m. Nicole MACPHERSON, the girlfriend of WOLOWIEC, answered the telephone. CS-3, then, questioned MACPHERSON whether both WOLOWIEC and herself, would be at their residence in about one (1) hour because he wanted to drop off the

$800 for "rent" that he had borrowed and needed to return. MACPHERSON acknowledged, and indicated that approximately 7:30 p.m. would be a good time. The telephone call terminated at approximately 6:06 p.m.

76. On September 20, 2004, a consensually monitored undercover "meet" was conducted between CS-3 and WOLOWIEC. Prior to providing the preamble, this writer conducted a search of CS-3's vehicle for narcotics and currency. Results were negative. It should be noted that CS-3 was provided $1,200 (United States currency) in official government funds, of which $800 would be provided for 100 MDMA tablets, $200 would be provided for a twelve (12) ounce bottle of GHB, and the remaining $200 would be used to cover an outstanding debt that CS-3 owed WOLOWIEC. CS-3 previously indicated to this writer that WOLOWIEC would be very hesitant to conduct "business" with him if he carried any outstanding debt.

77. At approximately 7:45 p.m., CS-3 arrived at the residence of WOLOWIEC. When he/she arrived, CS-3 proceeded upstairs to the upper apartment. There, he observed two (2) individuals in the room with MACPHERSON. The first individual was identified as "JEFF," and described as approximately 6'2" and 280 pounds. He appeared to be of Italian descent, and had grown a goatee. The second individual was identified as "ANGEL," and described as approximately 6'00" and 210 pounds. He appeared to be of Hispanic

descent. However, he learned that "ANGEL" is the new source of supply of cocaine for MACPHERSON. At the time, "ANGEL" was dropping off 2 ounces of cocaine in exchange for steroids he obtained from WOLOWIEC.

78. Upon his arrival, WOLOWIEC spoke briefly with both "JEFF" and "ANGEL" and grabbed a Dasani water bottle containing suspected GHB from the kitchen. He, then, proceeded into a bedroom with CS-3. Once inside the bedroom, CS-3 gave WOLOWIEC $800 for 100 MDMA tablets, and indicated that he needed 100 MDMA tablets for tomorrow (Tuesday, September 21, 2004). It should be noted that CS-3 provided the additional $400 to WOLOWIEC as well. In turn, WOLOWIEC provided CS-3 with twenty (20) blue/green MDMA tablets "on the front." WOLOWIEC stated that it would work out well because MACPHERSON had an appointment at a clinic in Canada. Moreover, WOLOWIEC stated that he had picked up fifty (50) MDMA tablets yesterday (Sunday, September 19, 2004). WOLOWIEC, even, offered to place an order for steroids, and that he would bring it back on Saturday (September 25, 2004). Upon leaving PREMISES#1, CS-3 observed a couple obtaining MDMA tablets from WOLOWIEC. The female, "SHELLY," is a white, Caucasian female in her late 40's or early 50's. The male, "DAVE," used to work at General Mills, but is currently out on disability. CS-3 stated that he/she knows each of them due to his/her time spent at CLUB E, a nightclub previously located in Buffalo, NY. CLUB E, though, has since closed down.

79. At approximately 8:20 p.m., CS-3 left the residence of WOLOWIEC. At approximately 8:30 p.m., the recording device was deactivated. Subsequently, the said narcotics were immediately turned over to DEA SA William Rodgers for examination and analysis.

80. On September 22, 2004, a second consensually monitored undercover "meet" was conducted between CS-3 and WOLOWIEC. This "meet" served as a follow-up to their previous "meet" on Monday, September 20, 2004. The purpose, then, was to obtain 100 MDMA tablets from WOLOWIEC. Prior to providing the preamble, this writer conducted a search of CS-3'S vehicle for narcotics and currency. Results were negative.

81. At approximately 9:25 p.m., CS-3 arrived at the residence of WOLOWIEC. When he arrived at the residence, WOLOWIEC met CS-3 in the front foyer, and delivered 100 suspected MDMA tablets. Upon their delivery, WOLOWIEC apologized for not meeting up with him yesterday (September 21, 2004). CS-3 proceeded to request additional MDMA tablets for either that upcoming Friday (September 24, 2004) or Saturday (September 25, 2004). Although WOLOWIEC indicated that tomorrow (September 23, 2004) would be better, he did state, though, that Friday would be acceptable. At approximately 9:27 p.m., CS-3 left the residence of WOLOWIEC. The said narcotics were, then, immediately turned over to DEA SA William Rodgers for examination and analysis.

82. On September 24, 2004, at approximately 7:29 p.m., WOLOWIEC, using **cellular telephone 2**, contacted Nicole MACPHERSON at (716) 875-1094. ICE has learned that this particular telephone number is the residential telephone number at 216 Nassau Avenue, Upper Apartment, Buffalo, NY. Both individuals talked about supplying narcotics to one of their many customers.

EW: Yeah, twenty (20), twenty (20), that's what I meant.
NM: Um-hm. That's all we have.
EW: Like forty (40).
NM: I only have twenty (20) that's all you gave me.
EW: What's that?
NM: You only gave me twenty (20).
EW: Well it, no, look in, you know, there's in that, know where.
NM: Um-hm. All right.
EW: Second.
NM: There's too much talking on the phone.
EW: What's that?
NM: Too much talking on the phone.

83. On September 27, 2004, under the direction of this writer, CS-3 placed a consensual telephone call to **cellular telephone 2** at approximately 6:40 p.m.. WOLOWIEC answered the telephone. CS-3 inquired about stopping by his residence with some "good news." WOLOWIEC acknowledged and indicated that he was now driving a rental vehicle, a Ford (pick-up) F-150.

84. On September 27, 2004, a consensually monitored undercover "meet" was conducted between CS-3 and WOLOWIEC. Prior to providing the preamble, this writer conducted a search of CS-3'S vehicle for narcotics and currency. Results were negative. It should be noted that CS-3 was provided $800 (United States currency) in official government funds, in order to purchase 100 MDMA tablets from WOLOWIEC himself.

85. At approximately 7:55 p.m., CS-3 arrived at PREMISES#1. MACPHERSON came down to the front door, and invited CS-3 upstairs to their apartment. WOLOWIEC, MACPHERSON, and CS-3 proceeded to discuss narcotics, and their availability. In particular, CS-3 indicated that he had proceeds from the MDMA tablets previously obtained from WOLOWIEC. WOLOWIEC and MACPHERSON, then, discussed what type of narcotics they currently had in the apartment. Specifically, WOLOWIEC mentioned that he had a small amount of MDMA tablets and GHB, while MACPHERSON indicated that she was in possession of some cocaine. Afterwards, CS-3 gave WOLOWIEC $800 for 100 MDMA tablets, and requested 100 MDMA tablets "on the front." Since WOLOWIEC was planning on picking up 100 MDMA tablets "on the front," he requested that CS-3 reimburse him $900, or $9 per MDMA tablet. As the transaction was being conducted, MACPHERSON indicated that her visit to the hospital in Canada could be used as an excuse with Customs and Border Protection (CBP) Officers at the POE. Upon completing the transaction, the $800 was

counted and verified by WOLOWIEC. Then, WOLOWIEC provided CS-3 with one (1) purple MDMA tablet. Lastly, CS-3, upon leaving the residence, was able to obtain the license plate of the rental vehicle that WOLOWIEC was currently operating, namely (NY) 52336JR, herein known as the TARGET VEHICLE. A record check through the Treasury Enforcement Communications System (TECS) indicated that the vehicle, a 2004 black Ford Pick-up, is registered to SNORAC, INC. located at 1320 Brooks Avenue, Rochester, NY.

86. At approximately 8:10 p.m., CS-3 departed PREMISES#1. At approximately 8:14 p.m., the recording device was deactivated. Subsequently, the said narcotics were immediately turned over to DEA SA William Rodgers for examination and analysis.

87. On September 29, 2004, under the direction of this writer, CS-3 placed a consensual telephone call to **cellular telephone 2** at approximately 7:15 p.m.. WOLOWIEC answered the telephone. CS-3 requested to meet WOLOWIEC at an A-PLUS Market, located at the corner of Kenmore Avenue and Delaware Avenue, Buffalo, NY, in order to continue their discussion. CS-3, then, stated that he would place a second call to WOLOWIEC when CS-3 was approximately ten (10) minutes from the A-PLUS Market. The telephone call terminated at approximately 7:17 p.m.

88. On September 29, 2004, a consensually monitored undercover "meet" was conducted between CS-3 and WOLOWIEC. Prior to providing the preamble, this writer conducted a search of CS-3'S vehicle for narcotics and currency. Results were negative. At approximately 8:10 p.m., CS-3 arrived at the A-PLUS Market. Shortly thereafter, WOLOWIEC arrived in a Ford Pick-up truck bearing New York license plate (NY) 52336JR. It should be noted that this specific vehicle is an Enterprise rental vehicle currently being operated by WOLOWIEC. Initially, WOLOWIEC made reference to the fact that he was stopped at the "border" yesterday (September 28, 2004) while he (and Nicole MACPHERSON) was attempting entry into the United States. While there, WOLOWIEC indicated that Customs and Border Protection (CBP) Inspectors requested that he remove both his shirt and shoes. However, by WOLOWIEC'S own admission, they did not perform a complete strip search. CS-3 stated that WOLOWIEC "smiled" when discussing the strip search at the "border." In fact, WOLOWIEC claimed to have smuggled in an undetermined quantity of Ecstasy tablets. While continuing to discuss the situation, WOLOWIEC provided 120 green Ecstasy tablets to CS-3. (It should be noted that during the debriefing process subsequent to the "meet," your affiant physically counted all of the Ecstasy tablets provided to CS-3 by WOLOWIEC in order to determine their exact number. The total number of Ecstasy tablets was 130.) When questioned by CS-3, WOLOWIEC believed that someone was "ratting" on him. Moreover,

WOLOWIEC felt that the aforementioned CBP Inspectors were only looking for GHB. When confronted by CBP Inspectors regarding various water bottles in his vehicle, WOLOWIEC claimed that the bottles in question were, indeed, water. Actually, WOLOWIEC indicated to CS-3 that the GHB was in the vehicle the entire time during the questioning, and never discovered by the aforementioned CBP Inspectors. WOLOWIEC, further, gave indication to CS-3 that he smuggled in multiple bottles of GHB. Through continued conversation, WOLOWIEC stated that his suspicions are leaning him toward Geoff SWEENEY as the individual responsible for "ratting" on him. This was because SWEENEY was one of the only individuals who had prior knowledge that WOLOWIEC was making arrangements to smuggle GHB back into the United States from Canada. In fact, prior to making the trip to Canada, SWEENEY offered to sell WOLOWIEC an unspecified quantity of hallucinogenic mushrooms. In addition, WOLOWIEC stated that a mutual friend, "MATT" LNU, recently had indicated to him that SWEENEY had recently approached "MATT" LNU and claimed that WOLOWIEC was "going down." Furthermore, WOLOWIEC stated that he was planning on obtaining a new rental vehicle. WOLOWIEC appeared at the "meet location" in the same Enterprise rental vehicle {(NY) 52336JR} that was recently stopped at the border. Lastly, WOLOWIEC indicated to CS-3 that, over the course of the next several occasions, he would simply perform "trial" runs with no product ("drugs") with respect to the "border." The goal, therefore, would be to determine if he would continue to be referred to secondary examination at the international border (United States and Canada).

89. At approximately 8:35 p.m., CS-3 departed the A-PLUS Market. At approximately 8:44 p.m., the recording device was deactivated. Subsequently, the said narcotics were turned over to ICE SA Christopher Martello, assigned to DEA, for examination and analysis.

90. On September 28, 2004, at approximately 7:00 a.m., ICE agents conducted a surveillance operation on 216 Nassau Avenue, Buffalo, NY, as well as the person of Edward WOLOWIEC.

91. At approximately 3:00 p.m., WOLOWIEC appeared to be loading a cooler into a rental vehicle bearing New York registration 52336JR. At approximately 3:49 p.m., this vehicle pulled into the Kenmore Avenue Carwash located on Kenmore Avenue, Kenmore, NY. WOLOWIEC was observed meeting with an unidentified female. At approximately 4:01 p.m., WOLOWIEC was observed at the back of the vehicle's truck with one of the unidentified females.

92. At approximately 4:05 p.m., one of the females was observed entering, then shortly thereafter, exiting the vehicle. At approximately 4:18 p.m., the vehicle departed Kenmore Avenue

Carwash and headed toward Colvin Boulevard. At approximately 4:20 p.m., the vehicle returned to PREMISES #1.

93. At approximately 4:58 p.m., one of the females was observed conversing with another unidentified individual who pulls up next to her in a silver Chevrolet Malibu bearing New York license plate AXX-3149. A record check through TECS indicated that the vehicle, a 2003 gray Chevrolet, is registered to Geoff M. SWEENEY (DOB 03/13/1977) residing at 375 West Avenue, Apartment #B7, West Seneca, NY.

94. At approximately 5:40 p.m., this vehicle stopped at 63 Dakota Street, off of Delaware Avenue, Buffalo, NY. (Through surveillance and subpoenaed information, ICE has learned that this address serves as the residence of Nicole FLIERL.) At approximately 6:00 p.m., both WOLOWIEC and MACPHERSON returned to this vehicle and departed the area of 63 Dakota Street, Buffalo, NY.

95. At approximately 6:38 p.m., WOLOWEIC'S VEHICLE arrived at the Rainbow Shop in the Elmwood Plaza off of Elmwood Avenue, Buffalo, NY. WOLOWIEC and MACPHERSON proceeded to enter the store. At approximately 7:21 p.m., WOLOWEIC'S departed the United States toward Canada via the Peace Bridge at Buffalo, NY. At approximately 11:41 p.m., the vehicle, occupied by both WOLOWIEC

and MACPHERSON, was encountered by CBP Officers as it sought entry into the United States at the Rainbow Bridge POE and was referred for secondary examination.

96. Pursuant to the secondary examination, separate interviews were conducted with both WOLOWIEC and MACPHERSON. WOLOWIEC provided his true and correct name, while indicating that he was currently residing at 216 Nassau Avenue, Upper Apartment, Kenmore, NY. He stated that he has both a residential telephone number (1-716-875-1094), and a cellular telephone number (1-716-536-9356). WOLOWIEC, further, stated that MACPHERSON was his girlfriend, and that she was a Canadian citizen. Lastly, a formal pat-down of WOLOWIEC was conduced by both CBP Officer Douglas Wragge with negative results.

97. At the same time, a second interview was being conducted with MACPHERSON. MACPHERSON provided her true and correct name, stated that she was born in Brantford, ON, and claimed that she currently resided at 7050 Windsor Court, Niagara Falls, ON. Although she did not claim to have a residential telephone number, she did claim to have a cellular telephone (1-716-536-5622). Lastly, a formal pat-down of MACPHERSON was conducted by both ICE SA Noworyta and CBP Officer Kate Hayes. Results were negative.

98. The scope of both Edward WOLOWIEC'S and Nicole MACPHERSON'S drug smuggling and drug trafficking organization, including its membership, is further established by the following:

(4) GEOFF SWEENEY

99. Pursuant to interceptions obtained as a result of the aforementioned court authorized Title III interception orders, and information received from both CS-2 and CS-3, Geoff SWEENEY has been identified as a close drug associate of both Ken MILLER and Edward WOLOWIEC. Some of his duties within the drug organization of both MILLER and WOLOWIEC consists of smuggling narcotics into the United States from Canada, distributing narcotics, and collecting proceeds from drug sales. The following is a representative collection of previous activity conducted by Geoff SWEENEY, information obtained from Confidential Informants, and various telephone conversations demonstrating his role within the drug organization.

100. On February 15, 2004, ICE agents arrested both Geoff SWEENEY and Jonathan CASEY as they attempted to smuggle a quantity of GHB into the United States from Canada. Both were subsequently arraigned, and are free on bail pending disposition of their respective cases.

101. On March 12, 2004, during an interview with both ICE and DEA agents, CS-2 indicated that, on February 15, 2004, Jonathan CASEY agreed to accompany SWEENEY into Canada in order to pick up a quantity of GHB. When arrested at the Peace Bridge POE, both CASEY and SWEENEY were occupying a truck belonging to the sister of NICOLE FLIERL. According to CS-2, FLIERL, who assisted SWEENEY in his drug distribution efforts, had been in Canada with CASEY and SWEENEY and is the current girlfriend of SWEENEY. CS-2 provided the cellular telephone number for SWEENEY as (716) 818-0500. CS-2 advised that as of March 12, 2004, FLIERL was employed at CAPELLO'S SALON & SPA on Main Street in Williamsville, NY. Although he/she could not recall her automobile, CS-2 indicated that her license plate number is (NY) AGJ 6912, and her social security number is 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. Through a review of related ICE Indices, it was determined that the aforementioned license plate is registered to a 1996 black, four-door Nissan. In addition, the registered owner is FLIERL (DOB 08/25/1974) with an address of 1363 Delaware Avenue, Apartment 2F in Buffalo, NY 14209.

102. On August 26, 2004, at approximately 7:59 p.m., MILLER, using **cellular telephone 1**, received a call from telephone number (716) 818-0500, a telephone registered to and utilized by Geoff SWEENEY (GS). The conversation centered on their plans to attend a local concert and obtaining narcotics for the evening. During the conversation SWEENEY advises MILLER that if he is only looking

for a small quantity of drugs SWEENEY would be able to provide them to MILLER:

KM: I'd probably, if you're, like I'm, I'm hoping to get a hold of our big friend though too because I want to have some happiness to go with
GS: Yeah.
KM: You know.
GS: Uh, yeah, uh, a lot or no?
KM: Oh, no, no, no, I mean, I'm going, going to end up putting a big order in for this weekend and stuff but I mean I just wanted I'm, I got to call as a matter of fact tonight to see if I can meet him tomorrow before I go.
GS: Yeah.
KM: So ...
GS: Oh well, if you ... a couple I take care of you tonight, man.
KM: Oh, okay definitely because if I can't get a of him 'til I get back from the concert, whatever, that'll be sweet, that'll be sweet.
GS: Yeah.

103. On September 2, 2004, at approximately 5:28 p.m., WOLOWIEC, using **cellular telephone 2**, received a telephone call from Geoff SWEENEY at (716) 876-6187, a telephone registered to Juan ACEVEDO. It should be noted that ICE has learned that SWEENEY currently splits his time residing with both with both ACEVEDO and Nicole FLIERL. In the conversation, SWEENEY requested that WOLOWIEC deliver double the amount of narcotics previously requested.

GS: Double that up.

EW: ... I only have five (5) right now.

GS: Alright.

104. During the third week of September of 2004, ICE agents conducted an interview with CS-3. CS-3 identified two (2) mutual friends, Geoff SWEENEY and Jonathan CASEY, who were arrested at the Peace Bridge Port of Entry (POE) as they attempted to smuggle GHB into the United States from Canada. However, CS-3 stated that both are still involved with distributing and using Ecstasy, crystal methamphetamine, and GHB. CS-3 stated that SWEENEY presently resides in an apartment at an unknown location, and has a girlfriend, named NICOLE (previously identified by ICE Agents as Nicole FLIERL). CS-3 did state, though, that SWEENEY sometimes stays with her at her apartment, namely 63 Dakota Street, Upper Apartment, Buffalo, NY. On the other hand, MILLER indicated that CASEY currently resides with CHRISTY (previously identified by ICE Agents as Christine WALSH) at 500 Connecticut Street, Buffalo, NY. CS-3 claimed that CASEY obtains crystal methamphetamine from both a dealer within Buffalo, NY, as well as a second dealer within California. MILLER stated that CASEY receives his crystal methamphetamine through the United States mail. CASEY sells 3 grams of crystal methamphetamine for approximately $60.

105. On September 19, 2004, at approximately 12:10 p.m., your affiant received a telephone call from CS-3. Within the conversation, CS-3 confirmed that Geoff SWEENEY is currently residing with Juan ACEVEDO at a residence on Amherst Street, Buffalo, NY. Occasionally, "LINDA," the girlfriend of ACEVEDO,

stays with them as well. In addition, CS-3 stated that "MATT" (believed by ICE agents to be MATTHEW CHURCHILL) is distributing MDMA tablets for SWEENEY. In fact, "MATT" just recently ordered 500 MDMA tablets from WOLOWIEC. CS-3 stated that an order of 500 MDMA tablets through WOLOWIEC would usually be too much for him at one time. Rather, WOLOWIEC usually likes to bring 200 to 300 over a single time. Lastly, CS-3 discussed obtaining 100 MDMA tablets from WOLOWIEC on Monday (September 20, 2004), who, in turn, stated that he would have it available by Tuesday (September 21, 2004).

(5) Nicole FLIERL

106. Pursuant to interceptions obtained as a result of the aforementioned court authorized Title III interception orders, and information received from both CS-2 and CS-3, Nicole FLIERL has been identified as a girlfriend of Geoff SWEENEY and one who assists in the drug activities of WOLOWIEC, SWEENEY, and others. The following is a representative collection of previous activity conducted by Nicole FLIERRL, as well as and various telephone conversations demonstrating her role within the drug organization.

107. On March 12, 2004, during an interview with both ICE and DEA agents, CS-2 indicated that, on February 15, 2004, Jonathan CASEY agreed to accompany SWEENEY into Canada in order to pick up a quantity of GHB. When arrested at the Peace Bridge POE, both CASEY and SWEENEY were occupying a truck belonging to the sister of

NICOLE FLIERL. According to CS-2, FLIERL, who assisted SWEENEY in his drug distribution efforts, had been in Canada with CASEY and SWEENEY and is the current girlfriend of SWEENEY. CS-2 provided the cellular telephone number for SWEENEY as (716) 818-0500. CS-2 advised that as of March 12, 2004, FLIERL was employed at CAPELLO'S SALON & SPA on Main Street in Williamsville, NY. Although he/she could not recall her automobile, CS-2 indicated that her license plate number is (NY) AGJ 6912, and her social security number is 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. Through a review of related ICE Indices, it was determined that the aforementioned license plate is registered to a 1996 black, four-door Nissan. In addition, the registered owner is FLIERL (DOB 08/25/1974) with an address of 1363 Delaware Avenue, Apartment 2F in Buffalo, NY 14209.

108. On August 27, 2004, at approximately 7:51 p.m., WOLOWIEC, using **cellular telephone 2**, contacted Nicole FLIERL at (716) 870-1250 regarding narcotics distribution, and in particular, distributing narcotics to Jodi OLSZEWSKI. In fact, during the conversation, FLIERL indicated that OLSZEWSKI had previously attempted to contact her in hopes of obtaining narcotics from WOLOWIEC.

109. On September 4, 2004, at approximately 6:51 a.m., WOLOWIEC, using **cellular telephone 2**, received a telephone call from Nicole FLIERL at (716) 875-1094. However, MACPHERSON assumed

control of cellular telephone 2 and discussed the availability of narcotics.

NF: Listen, uh, can you meet me at my house, real quick?
NM: Yep, yep.
NF: Will you bring um, as many as you can?
NM: As much as I can?
NF: Well, yeah.
NM: Um okay, okay.
NF: A hundred and sixty (160) worth.
NM: Alright, I can do that.

(6) Christine WALSH

110. Pursuant to interceptions obtained as a result of the aforementioned court authorized Title III interception orders, and information received from CS-3, Christine WALSH[3] has been identified as both a drug distributor and customer of MILLER and one who assists in the drug activities. The following is a representative collection of previous activity conducted by Christine WALSH, as well as various telephone conversations which demonstrates the drug relationship between MILLER and WALSH.

111. During three separate interviews with three different subjects, conducted by DEA agents, Christine WALSH was identified

[3]Walsh is presently facing federal drug charges and is indicted in Indictment No. 01-CR-214-A. She has been indicating to the government that she planned to plead guilty.

as a suspect for methamphetamine, MDMA and GHB supply in the Buffalo, NY area. Based upon investigations and these sources of information, the Buffalo District Office DEA executed a federal search warrant at Christine WALSH's residence at 894 West Ferry, Buffalo, New York on June 23, 2000. Seized from WALSH's residence was 1/8 ounce of cocaine found in a jacket pocket located in WALSH's bedroom as well as approximately eighty-nine (89) fluid ounces of GHB along with jars and funnels. WALSH was read her Miranda warnings by Agents. WALSH told agents that she received one gallon of GHB from Joni Stevens approximately one week prior to the DEA executing the search warrant. WALSH told agents that Stevens relocated to Ontario, Canada and periodically visits the Buffalo area and brings gallons of GHB to WALSH. During a proffer meeting with WALSH, WALSH told agents that she did purchase large amounts of Ecstasy.

112. On August 8, 2004, at approximately 1:45 p.m., MILLER using **cellular telephone 1** contacted Christine WALSH (CW) at (716) 881-1558, a telephone registered to Jonathan CASEY. During their conversation, MILLER comments "I'm getting fifty (50) today" and that "... bought them a round of drinks. I traded the bartender, Kenny, at the front, I gave him a vitamin." In addition, both MILLER and WALSH discuss the situation regarding the fact that

GEOFF SWEENEY and JONATHAN CASEY were arrested by ICE as they attempted to enter the United States with GHB[4]:

CW: And I feel like I knew it was gonna happen the whole time.
KM: If he had like, if he had the fucking, just the non-trusting fucking, like you or me it would have, this situation never would have happen is what I'm saying. You know you would a seen it coming a mile away. I would
CW: No' I'm the one that told him to go. Yeah. Well he was like, you know, 'should I do this?' and I'm like, well, I'm like, 'it's your decision. Go ahead.' But they didn't follow directions. So
KM: Nah, well first of all
CW: You can't blame it on me. Well, I can know things without fucking the rest of the world knowing things.
KM: Oh, I exactly.
CW: Geoff goes back in the car with them? ... And Geoff had big mouth the night before.

MILLER and WALSH continue to talk about the legal situation facing SWEENEY and CASEY, as well as a friend of WALSH who was involved with manufacturing "G" or GHB.

113. On August 15, 2004, at approximately 7:01 p.m., MILLER, using **cellular telephone 1**, received a telephone call from (716) 308-6659, a telephone which, according to subpoenaed phone records,

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[4]As noted in the previous affidavits submitted in support of the interception Orders bearing Miscellaneous Criminal Numbers 04-99 and 04-105, SWEENEY and MILLER were arrested by ICE agents in Buffalo, NY, on February 15, 2004, after they attempted to smuggle a quantity of GHB from Canada into the United States.

is utilized by Christine WALSH (CW). During the conversation, WALSH makes reference to a "friend" of hers at the international (United States/Canada) border:

CW: Someone got caught at the border with pills.
KM: What?
CW: Caught at the border with pills.
KM: Who did?
CW: Someone did, a girl did, on Saturday night.
KM: Oh shit.
CW: They put two hundred (200) in their door.
KM: Oh shoot!
CW: My friend's friend works at the border.
KM: Oh wow, wow, wow. Well, anybody fucking that wants to get their fucking foot in the water, sometimes it's going to be boiling.

114. On August 22, 2004, at approximately 8:21 p.m., MILLER, using **cellular telephone 1** dialed the telephone number (716) 308-6659, a telephone registered to and utilized by Christine WALSH (CW). During the conversation, WALSH requested that MILLER stop by and pick up the "thing" because she needs to get rid of them:

CW: No he just went to Cobalt, but um the thing that you wanted?
KM: Right.
CW: Um, I have it if you want it?
KM: You have it?
CW: Yeah and we need to get rid of them because they would money for me.
KM: Okay, well sweety, yeah, I mean I just don't have a way to get down there right now. When I get a way to get down there I will come down and grab it from you, tonight. Okay?
CW: Yeah, that'd be cool. Um.
KM: Oh I definitely will sweetheart, I definitely will, definitely.

115. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation WALSH is advising MILLER that she has a supply of narcotics available for MILLER to distribute.

(7) Jonathan CASEY

116. Pursuant to interceptions obtained as a result of the aforementioned court authorized Title III interception orders, and information received from CS-3, Jonathan CASEY has been identified as both a drug distributor and customer of MILLER and one who assists in the drug activities. The following is a representative collection of previous activity conducted by Jonathan CASEY, as well as various telephone conversations which demonstrates the drug relationship between MILLER and CASEY.

117. On February 15, 2004, ICE agents arrested both Geoff SWEENEY and Jonathan CASEY as they attempted to smuggle a quantity of GHB into the United States from Canada. Both were subsequently arraigned, and are free on bail pending disposition of their respective cases.

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118. On March 12, 2004, during an interview with both ICE and DEA agents, CS-2 indicated that, on February 15, 2004, Jonathan CASEY agreed to accompany SWEENEY into Canada in order to pick up a quantity of GHB. When arrested at the Peace Bridge POE, both CASEY and SWEENEY were occupying a truck belonging to the sister of NICOLE FLIERL. According to CS-2, FLIERL, who assisted SWEENEY in his drug distribution efforts, had been in Canada with CASEY and SWEENEY and is the current girlfriend of SWEENEY. CS-2 provided the cellular telephone number for SWEENEY as (716) 818-0500. CS-2 advised that as of March 12, 2004, FLIERL was employed at CAPELLO'S SALON & SPA on Main Street in Williamsville, NY. Although he/she could not recall her automobile, CS-2 indicated that her license plate number is (NY) AGJ 6912, and her social security number is 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. Through a review of related ICE Indices, it was determined that the aforementioned license plate is registered to a 1996 black, four-door Nissan. In addition, the registered owner is FLIERL (DOB 08/25/1974) with an address of 1363 Delaware Avenue, Apartment 2F in Buffalo, NY 14209.

119. On August 22, 2004, at approximately 10:43 a.m., MILLER, using **cellular telephone 1**, receives a telephone call from (716)

881-1558, a telephone registered to and utilized by Jonathan CASEY (JC). Both individuals discuss the availability of narcotics, in general:

KM: What are you doing? You sound like you've been wakey wakey for awhile.
JC: I have been alert for some time.
KM: Uh-oh. Is there anymore left?
JC: No ... talk to him in a little while though.
KM: Hey, call me like, call me like half an hour before you go to his house and I'll stop over, okay?

120. Based on the upon your affiant's training and experience, and familiarity with this investigation, your affiant believes that during this conversation MILLER and CASEY are discussing the availability of narcotics. Specifically, CASEY, who appears to be under the influence of narcotics, indicates that he may be able to obtain some additional amount of narcotics from an unknown source.

121. During the third week of September of 2004, ICE agents conducted an interview with CS-3. CS-3 identified two (2) mutual friends, Geoff SWEENEY and Jonathan CASEY, who were arrested at the Peace Bridge Port of Entry (POE) as they attempted to smuggle GHB into the United States from Canada. However, CS-3 stated that both are still involved with distributing and using Ecstasy, crystal methamphetamine, and GHB. CS-3 stated that SWEENEY presently resides in an apartment at an unknown location, and has a girlfriend, named NICOLE (previously identified by ICE Agents as

Nicole FLIERL). CS-3 did state, though, that SWEENEY sometimes stays with her at her apartment, namely 63 Dakota Street, Upper Apartment, Buffalo, NY. On the other hand, MILLER indicated that CASEY currently resides with CHRISTY (previously identified by ICE Agents as Christine WALSH) at 500 Connecticut Street, Buffalo, NY. CS-3 claimed that CASEY obtains crystal methamphetamine from both a dealer within Buffalo, NY, as well as a second dealer within California. MILLER stated that CASEY receives his crystal methamphetamine through the United States mail. CASEY sells 3 gram of crystal methamphetamine for approximately $60.

(8) George FERRIS
(9) Katherine DICKINSON

122. Pursuant to interceptions obtained as a result of the aforementioned court authorized Title III interception orders, and information received from DEA and CS-3, both George FERRIS and Katherine DICKINSON has been identified as both a drug distributors and customers of MILLER. The following is a representative collection of previous activity conducted by George FERRIS and Katherine DICKINSON, as well as various telephone conversations which demonstrates the drug relationship between MILLER and FERRIS and DICKINSON.

123. On August 2, 2001, at approximately 11:50 p.m., Soung Ah MAH, a.k.a. Rudy, was debriefed at the Erie County Sheriff's

Department (ECSD) by DEA SA Stephen Will, DEA SA Jefferie Ludwick, DEA SA Matthew Fitzpatrick, ECSD Investigator Tim Taylor, and ECSD Investigator Kevin Mahoney. MAH agreed to cooperate with the DEA and ECSD following her arrest earlier on August 2, 2001 and after talking to her lawyer Brian Ruffino.

124. On August 2, 2001, during a proffer session with the DEA and Erie County Sheriff's Department, Soung Ah Mah, a.k.a. Rudy, discussed her supplier of MDMA (Ecstasy).

132. MAH said she buys MDMA pills for $12 per pill from George FERRIS. MAH said she and FERRIS are "partners" because FERRIS gets the MDMA pills for MAH and MAH "does retail" by distributing the pills. MAH said she has been receiving between 100 and 150 pills per weekend from FERRIS for the past 4-5 months and MAH has received more than 4,000 MDMA pills total from FERRIS.

133. MAH said she has been selling MDMA pills from November/December of 2000 until the present. MAH said she had six (6) people (Angel REYES, Ashley MILLER, Gordon KEANE, Glory RODRIGUEZ, JOSH LNU, and Joe SMITH) selling MDMA pills for her. MAH said she would get the 100-150 MDMA pills from FERRIS or someone else and then give the pills to REYES, who would split up the pills among the other five people to sell for MAH in Buffalo area nightclubs including JAVA RECORDS and MARCELLA's. MAH said

she began selling drugs to make a total of $10,000 to pay her school debts to continue attending the University of Buffalo.

134. MAH said FERRIS purchases his MDMA pills from someone named J.P. LNU or RYAN LNU, who receives 1,000 pills at a time. MAH said the person J.P. or RYAN gets their MDMA pills from actually manufactures the MDMA pills.

135. MAH said she received 100 MDMA pills on 07/27/01 from FERRIS and sold the pills on 07/29/01 at a rave party at Mickey Rats nightclub in Evans, NY. MAH said that following the party she was pulled over by a New York State Trooper and arrested for possessing empty vials of ketamine. MAH said she was carrying $1,000 cash and her brother (Kwan MAH) was also carrying $1,000 cash. MAH said the total of $2,000 was money she made by selling the 100 MDMA pills at the rave.

136. On August 7, 2004, at approximately 7:00 p.m., MILLER, using **cellular telephone 1**, contacted GEORGE FERRIS (GF) in order to make arrangements for another order of narcotics:

KM: ... It's, it's a little pricey, but there is our friends in town.
GF: Oh really?
KM: Yeah, yeah, uh, uh, uh Dre has it, Dre has it again and it's like, it's stuff.
GF: Um, here, let me call my friend Katherine (DICKINSON) ... Yeah, hold me some, hold me just a little bit aside.
KM: Well no, you, you gotta let me know like, when you, when

you, when you want to, like, 'cause I just paid rent and everything, I'm like, dead broke. But, I can get what you need. You know, whatever you need.

GF: Right.

KM: I think is going for forty (40) or fifty (50) a half "G," but I can talk him down hopefully to forty (40). Even fifty (50). I bought one (1) ...

GF: Hmm

KM: last night for fifty (50). I know, it's, it's pricey. Uh, that's why I tried calling you. I called you last weekend. I had a, I, I bought half a ball and I was wanting you and Katherine to come over. Well, I bought it last weekend. I'm like, well I called you guys why don't you just come over 'cause I had one over at the house, and I got a half off, and I'm like well, uh, I'll call, you know, I'll call and see if you guys wanted to come over.

137. Based upon your affiant's training and experience, and familiarity with this investigation, your affiant believes that during this conversation MILLER and FERRIS are discussing Andre GARNER'S ability to provide small quantities of a controlled substance (possibly cocaine, *i.e.*, "half a ball") for $40 or $50.

138. On August 7, 2004, at approximately 9:12 p.m., MILLER using **cellular telephone 1** received a telephone call from FERRIS regarding a quantity of narcotics. Initially, FERRIS questioned MILLER if Katherine (DICKINSON) can stop by and pick it up. MILLER replied that he doesn't have it at his house, but that he would need to contact Andre (DRE LNU). However, MILLER tells FERRIS that Katherine can meet him downtown (Buffalo) so that he can square it away. Later that evening, at approximately 9:36 p.m., FERRIS questions MILLER about the price of narcotics that are available.

KM: They're, they're fifty (50) a half "G." Fifty (50) for a half gram. For a vial.
GF: What's he wanna do, for like, a half one? The same thing?
KM: Totally don't care. For a half ball. No. He doesn't do like the half balls.
GF: Hah! That loser used to get it from me. That's so funny. Un, anyway, alright. Well, whatever. I, I have to think about it.
KM: well, call me back, 'cause I'll be at the club.

(10) Angelina BELLA
(11) Dean DAMICO

139. Pursuant to interceptions obtained as a result of the aforementioned court authorized Title III interception orders, and information received from CS-3, both Angelina BELLA and Dean DAMICO have been identified as both drug distributors and customers of Edward WOLOWIEC. The following is a representative collection of previous activity conducted by both Angelina BELLA and Dean DAMICO, surveillance operations conducted by law enforcement, and various telephone conversations which demonstrates the drug relationship between MILLER and WALSH.

140. On August 27, 2004, at approximately 1:27 p.m., MACPHERSON, using **cellular telephone 2**, received a telephone call from Dean DAMICO (DD) at (716) 578-3281 involving the availability of narcotics, namely GHB.

DD: You got new water?
NM: Mmm? Yeah, we got it, so everything is good.
DD: Oh, nice.
NM: So you can stop by and pick it up when you're ready.

141. On August 31, 2004, at approximately 3:35 p.m., MACPHERSON, using **cellular telephone 2**, contacted Angelina BELLA at (716) 602-0615. During the conversation, both MACPHERSON and BELLA discuss the availability of narcotics.

NM: We bought vodka, and, we got a bottle of wine, so

AB: Should I bring anything?

NM: Yeah, we got some uh, some

AB: Okay, I'll call you for directions.

NM: Yeah, yeah, 'cause the other stuff I can't get right now. I'm waiting We're gonna ...

AB: Okay.

NM: Alright?

AB: I'll call you. I'll call you in a little bit.

142. Based upon your affiant's training and experience, and familiarity with this investigation, your affiant believes that during this conversation, MACPHERSON and BELLA are discussing obtaining some type of narcotics, and not that of additional amounts of alcohol.

143. On September 2, 2004, at approximately 5:22 p.m., ICE SA Dombek contacted your affiant stating that WOLOWIEC was conversing with Angelina BELLA regarding various activities, including a trip to Canada for later that evening. Throughout the investigation, ICE has learned that WOLOWIEC obtains his narcotics from several sources of supply residing in Canada.

144. On September 2, 2004, at approximately 5:50 p.m., WOLOWIEC and MACPHERSON were observed by DEA SA William Rodgers returning to their vehicle, a Ford Focus bearing New York license plate CPP 2270. WOLOWIEC entered the trunk area of vehicle, pulled out a cooler, and drained water from it. Surveillance agents followed their vehicle from this location to a house near 1044 Hertel Ave., where DEA SA Rodgers observed a white, Caucasian female, with shoulder length dark hair, wearing a yellow colored shirt - believed to be Angelina BELLA, as per intercepted communications captured via the Title III wire interception of WOLOWIEC'S cellular telephone - meet with WOLOWIEC and MACPHERSON in the driveway of a residence. DEA SA Rodgers observed BELLA counting money, and subsequently, paying WOLOWIEC money in this driveway. SA Rodgers, then, observed WOLOWIEC and MACPHERSON depart the area in their vehicle.

145. On October 7, 2004, ICE agents conducted a further interview with CS-3. During questioning, CS-3 provided the name of DEAN LNU, and stated that he previously was briefly employed as a bartender at CLUB MARCELLA for approximately six (6) months. Throughout the investigation, ICE has learned that the true and correct name of "DEAN" LNU is Dean DAMICO (DOB 11/19/1975). Through New York State DMV records as well as multiple surveillance operations, ICE has learned that DAMICO currently resides at 1044 Hertel Avenue, Lower Apartment, Buffalo, NY. CS-3, also, stated

that DAMICO is currently dating a female by the name of "ANGELINA" LNU. According to CS-3, she is employed as an exotic dancer ("stripper") at MADAMOISELLE GENTLEMENS CLUB located at 777 Aero Drive, Cheektowaga, NY. Throughout the investigation, ICE has learned that the true and correct name of "ANGELINA" LNU is Angelina BELLA (DOB 11/13/1980). Through New York State DMV records as well as multiple surveillance operations, ICE has learned that BELLA currently resides at 1044 Hertel Avenue, Lower Apartment, Buffalo, NY. Thus, information has been obtained by ICE which would indicate that DAMICO and BELLA are currently residing together at the aforementioned address.

(12) Michael OLEJARZ

146. Pursuant to interceptions obtained as a result of the aforementioned court authorized Title III interception orders, and information received from DEA, Michael OLEJARZ has been identified as both a drug distributor and customer of both WOLOWIEC and MILLER and one who assists in the drug activities. The following is a representative collection of previous activity conducted by Michael OLEJARZ, information obtained from a previous DEA investigation, as well as various telephone conversations which demonstrates the drug activity of OLEJARZ.

147. On July 5, 2000, Michael OLEJARZ was arrested by the DEA for his attempted sale of approximately 85 pills of Ecstasy (MDMA)

to a DEA confidential Source at the Bob Evans Restaurant on Niagara Falls Blvd, in Niagara Falls, NY. Pursuant to his booking at the DEA, OLEJARZ provided the address of 1122 Garrett Ave., Niagara Falls, NY.

148. On August 14, 2004, at approximately 10:32 p.m., MILLER, using **cellular telephone 1**, dialed telephone number (716) 807-6891, a telephone, which ICE has learned from subpoenaed records, is registered to and utilized by Michael OLEJARZ. Within the conversation, MILLER leaves him a voice mail message indicating that he (MILLER) will be going to the Club around 11:00 p.m., and that, "... I'll meet you guys there." Based upon your affiant's training and experience, and familiarity with this investigation, your affiant believes that during this conversation, MILLER is indicating that he will meet up with OLEJARZ at CLUB MARCELLA at approximately 11:00 p.m. Throughout the investigation, and as detailed throughout this Affidavit, MILLER has been known to distribute narcotics to his many customers while at CLUB MARCELLA.

149. On August 15, 2004, at approximately 9:19 p.m., MILLER, using **cellular telephone 1**, received a telephone call from (716) 807-6891, a telephone which is utilized by MICHAEL OLEJARZ. The basis of the conversation is OLEJARZ'S request to have a meeting with MILLER.

MO: I need to also talk to you dude, um, I think, uh, Ed and Nicole are getting a little sketched out.
KM: Oh, I know they are, I know they are, I'll talk I'll talk to you about it tomorrow, I'll tell you.
MO: Yeah, yeah we got to meet up and have a little meeting or something.
KM: Sounds good buddy.

150. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation OLEJARZ is attempting to develop MILLER as an alternative source of narcotics supply, because it does not appear that he trusts Ed (WOLOWIEC) or Nicole (MACPHERSON), his girlfriend.

151. On August 21, 2004, at approximately 8:45 p.m., MILLER, using **cellular telephone 1**, received a telephone call from (716) 807-6891, a telephone utilized by Michael OLEJARZ. Within the conversation, both individuals discussed numerous sources of supply of narcotics as well as their association with each another.

MO: What I'll do is, if she doesn't want to go. If you wanna party like the, tomorrow or something or whatever, I don't know.
KM: Absolutely I'd love to hang out with you guys. Either which way, I'd love to hang out with you guys, no matter what ...
MO: ... Alright. Hey uh, have you talked to Ed lately?
KM: Yeah I saw him earlier today a little bit. He was hanging out with uh, SWEENEY.
MO: Are you kidding me?
KM: Dude I'm not lying to you at all. They came to the club last night and they were hanging out with SWEENEY and then we were up at uh, my buddy Louis that lives in back of me ... and they were still hanging out with them and

he was hanging out with Christy too.
MO: Fuck.
KM: Yup. You know Christy, don't you?
MO: No, I don't know her really.
KM: You, you know the name though, right?
MO: Yeah. Yeah.
KM: ... And that tells you all that needs to be said to be said.
MO: Well I know dude, I, he's, he's been trying to call my phone. He's been trying to call. Uh ...

152. Later in the conversation, both MILLER and OLEJARZ discussed WOLOWIEC'S role in distributing narcotics, and how his girlfriend, Nicole MACPHERSON, has influenced some of their decisions.

KM: He really is, he's a decent person. I got nothing bad to say about him, but he's just doing dumb things you know, like friggin
MO: I think his girlfriend is a lot in his ear. I can't stand her.
KM: I like Ed but as far as she goes, she's garbage. She's garbage.
MO: Well, well, I plan on dude, I'm not gonna talk to him on the phone whatsoever cause I've, I've completely decided to call, to cut him off all in general.
KM: Ah that doesn't even matter. It won't even matter about the hair sample. She'll just pop another pill. She can't, she's fucking outta control and fucking you know what she's gonna drag Ed down into that shit too, and
MO: Yeah.

153. Based upon your affiant's training and experience, and familiarity with this investigation, your affiant believes that during this conversation, MILLER and OLEJARZ are discussing numerous sources of supply, namely WOLOWIEC, SWEENEY, WALSH, and Louis TIBURZI, JR., for narcotics within the Buffalo, NY area. In fact, OLEJARZ even made reference to the fact that he does not

intend to deal with WOLOWIEC in the future because of the uncertainty and carelessness surrounding his girlfriend, Nicole MACPHERSON. It should be noted that WOLOWIEC, MACPHERSON, SWEENEY, WALSH, and TIBURZI, JR. are all named in this affidavit.

154. On August 22, 2004, at approximately 3:06 p.m., MILLER, using **cellular telephone 1**, received a telephone call from (716) 807-6891, a telephone which is utilized by Michael OLEJARZ. Within the conversation, OLEJARZ leaves MILLER a voice mail message questioning whether everything is alright, and requesting MILLER to give him a call. Based upon your affiant's training and experience, and familiarity with this investigation, your affiant believes that during this conversation, it appears that MILLER may have become the new source of supply of narcotics for OLEJARZ, and that he is questioning him as to determine if everything has been taken care of.

(13) Jodi OLSZEWSKI

155. Pursuant to interceptions obtained as a result of the aforementioned court authorized Title III interception orders, and information received from DEA, Jodi OLSZEWSKI has been identified as both a drug smuggler and distributor of narcotics. The following is a representative collection of previous activity conducted by Jodi OLSZEWSKI, information obtained from previous

legacy United States Customs Service and DEA investigations, as well as various telephone conversations which demonstrates the drug relationship between WOLOWIEC and OLSZEWSKI.

156. On September 27,1998, a vehicle driven by Jodi OLSZEWSKI was searched at the Rainbow Bridge, Niagara Falls, New York. One thousand tablets of MDMA (Ecstasy) and $1,000 United States currency was found in the vehicle OLSZEWSKI was driving.

157. On July 13, 1999, DEA agents interviewed Richard Jones. Jones told agents that Jodi LNU (later identified by DEA agents as OLSZEWSKI) was selling Ecstasy. Jones told agents that he started having a relationship with OLSZEWSKI and was receiving Ecstasy from OLSZEWSKI at no charge. Jones, further, told DEA agents that he was introduced to OLSZEWSKI by Joe Zappia and learned from Zappia that OLSZEWSKI was receiving large amounts of Ecstasy and ketamine from an unknown source in Canada. Jones told agents that Zappia told him in the winter of 1998, that OLSZEWSKI was really nervous about receiving Ecstasy from Canada due to the recent border seizures.

158. On August 27, 2004, at approximately 9:05 p.m., WOLOWIEC, using **cellular telephone 2**, received a telephone call from OLSZEWSKI at (716) 578-2016. It appeared that OLSZEWSKI was contacting WOLOWIEC regarding the availability of narcotics.

JO: Yeah, I heard. I heard.

EW: What'd you hear? Oh yeah. Hey, stop over.

JO: Well

EW: 'Cause I'm, I'm getting low. I just wanna, I'm trying to save some, but ...

JO: ... I don't I don't, listen, I don't get out of work until twelve thirty (12:30).

EW: Oh, that's okay.

JO: Can I swing by there when I get out of work?

EW: Oh yeah, yeah. It's no problem.

159. On September 14, 2004, at approximately 11:36 a.m., WOLOWIEC, using **cellular telephone 2**, dialed a telephone number registered to Jodi OLSZEWSKI at (716) 578-2016. Within the voice mail message, it appears that WOLOWIEC states that he has the narcotics available for her by saying, "Jodi, Eddie Wolowiec. Give me a call. I think you'll enjoy what I have to say. Got a six (6) pack, come back. Bye."

160. On September 20, 2004, at approximately 3:39 p.m., WOLOWIEC, using **cellular telephone 2**, received a telephone call from Jodi OLSZEWSKI at (716) 578-2016. During the conversation, WOLOWIEC questioned OLSZEWSKI as to whether she was interested in obtaining an unspecified amount of narcotics.

JO: So, I don't know. I don't know, did you end up getting what you needed or ...

EW No, I'm getting ... I'm going to be going the next day or two. That's why.

JO: Alright well ...

EW: ... get some thoughts together.

JO: Yeah well let me know when you go.

EW: Okay.

(14) Lynne HEBERLEIN

161. Pursuant to interceptions obtained as a result of the aforementioned court authorized Title III interception orders, and information received from CS-2, Lynne HEBERLEIN has been identified as both a drug distributor of narcotics and drug customer of Edward WOLOWIEC. The following is a representative collection of previous activity involving HEBERLEIN, information obtained by CS-2, and various telephone conversations which demonstrates the drug relationship between WOLOWIEC and HEBERLEIN.

162. On March 12, 2004, during an interview with both ICE and DEA agents, CS-2 identified the name of Lynne HEBERLEIN as a source and distributor of crystal methamphetamine, cocaine, and ketamine. At the time, CS-2 stated that HEBERLEIN resided at 174 Lancaster Avenue, Apartment 4, Buffalo, NY 14222. CS-2 indicated that he/she previously visited HEBERLEIN on March 5, 2004, at the aforementioned apartment and personally witnessed her sell an unknown quantity of crystal methamphetamine. CS-2 believed that HEBERLEIN receives her crystal methamphetamine from an individual by the name of "JAY" or "JOHN." CS-2 was, also, able to provide her license plate as (NY) CEW 9483. Through a review of ICE

Indices, it was determined that the aforementioned license plate is registered to a 1995 white, two-door Pontiac. The registered owner is Sandra HEBERLEIN (DOB 03/22/1945) with an address of 567 East River Road in Grand Island, NY 14072. It appears that this individual is the mother of Lynn HEBERLEIN.

163. On September 2, 2004, at approximately 6:05 p.m., NYSP Investigator Commisso observed WOLOWIEC and MACPHERSON pulled over on Delaware Avenue in front of Austin's Hair Studio located at 3043 Delaware Avenue, Kenmore, NY. WOLOWIEC exited their Ford Focus, proceeded to the trunk, and retrieved a water bottle. At approximately 6:06 p.m., NYSP Investigator Commisso observed WOLOWIEC enter Austin's Hair Studio with the water bottle. MACPHERSON remained in their Ford Focus. At approximately 6:09 p.m., NYSP Investigator Commisso observed WOLOWIEC exit Austin's Hair Studio without the water bottle, enter TARGET VEHICLE, and depart from the area. Through the wire interception of cellular telephone 2, ICE has learned that Lynne HEBERLEIN currently is employed at Austin's Hair Studio located at 3043 Delaware Avenue, Kenmore, NY. Through the use of both CS-1 and CS-3, as well as the wire interception of **cellular telephone 2**, ICE has learned that WOLOWIEC and others primarily deliver GHB in water bottles as to avoid detection from law enforcement.

164. On September 19, 2004, at approximately 11:05 a.m., WOLOWIEC, using **cellular telephone 2**, contacted Lynne HEBERLEIN (LH) at (716) 472-1397 regarding the availability of narcotics for her.

EW: I got something green for ya and something white for ya.
LH: What?
EW: I got something green and something white.
LH: Oh yeah?
EW: Yes.

165. On September 21, 2004, at approximately 7:21 p.m., WOLOWIEC, using cellular telephone 2, received a telephone call from SHERRY LNU at an unidentified telephone number. The purpose of the telephone was to make arrangements to have WOLOWIEC drive into Canada in order to meet her and obtain an unspecified amount of narcotics, and then return to the United States. Shortly thereafter, at approximately 7:45 p.m., WOLOWIEC, using cellular telephone 2, contacted Lynne HEBERLEIN at (716) 472-1397. During the conversation, HEBERLEIN asked WOLOWIEC to stop by her residence as he was returning from Canada. This conversation would substantiate the notion that HEBERLEIN was familiar with WOLOWIEC'S drug smuggling activities.

166. On September 24, 2004, at approximately 2:06 p.m., WOLOWIEC, using **cellular telephone 2**, received a telephone call from Lynne HEBERLEIN (LH) at (716) 472-1397. During the conversation, HEBERLEIN indicated to WOLOWIEC that she has money for him in order to purchase narcotics in Canada and then, subsequently, smuggle them into the United States.

EW: You know, I'm all set to do my journey but nobody gives a, nobody's got any money. Everybody fucking blows their money on shit ya know?

LH: I have money.

EW: Yeah.

LH: I'm the only one who ever gives you ...

EW: ... What's that?

LH: I'm the only good child.

EW: You're a good child?

LH: I'm the only one that ever gives you money.

EW: I didn't, you are, you pretty much are.

(15) Nicholas ABRAMO
(16) Jennifer LOTEMPIO

167. Pursuant to interceptions obtained as a result of the aforementioned court authorized Title III interception orders, and information received from DEA, Nicholas ABRAMO and Jennifer LOTEMPIO has been identified as both a drug distributors and customers of narcotics. The following is a representative collection of previous activity conducted by Nicholas ABRAMO and Jennifer LOTEMPIO as well as various telephone conversations which demonstrates the drug relationship between WOLOWIEC, Nicole

MACPHERSON (the girlfriend of WOLOWIEC), and both ABRAMO and LOTEMPIO.

168. On August 27, 2004, at approximately 3:24 p.m., WOLOWIEC, using **cellular telephone 2**, received a telephone call from Nicholas ABRAMO (NA) at (716) 417-1662 regarding effect of narcotics which were taken the night previous as well as the availability of an additional amount of narcotics.

NA: You asked me where I was. I uh, I tried one (1) of em. It's, it's real good.

EW: Yeah.

NA: I didn't get a chance to try the other one, but uh

EW: Alright, I'm gonna, I'm coming, to getting on the thruway, coming, two ninety (290) going that way, so

NA: Well, I, I, I had the, uh, do you have any biscuits?

EW: Yes.

NA: Um

EW: ... Meet me at my house then.

NA: ... Alright, well uh, I'll stop over then, before rush hour, then.

EW: Yeah, yeah. Before all the shit hits the fan. Alright.

169. On August 29, 2004, at approximately 10:40 p.m., WOLOWIEC, using **cellular telephone 2**, received a telephone call from Nicholas ABRAMO (NA) at (716) 417-1662 regarding the availability of narcotics.

NA: It was good though. It was good. How about yours?

EW: This stuff is pretty, this stuff is a lot better, huh?

NA: Oh yeah, yeah, much ...

EW: ... I had a good weekend. Plus ...

NA: Yeah, you know what? And the good thing about it is that if you put it in the freezer, I hardly taste it.

EW: No, I know. I know. It's got a good taste.

NA: Y Was there something that you wanted to talk about?

EW: No, I just, I just wanted to see, you know ...

NA: Oh, okay.

EW: ... get together with you and that other thing and ...

NA: Okay, oh, yeah, ... the, well, I wanted that list of a, of a supplements ... if you, if you got that.

EW: Yeah.

NA: And, um, also, um, fifteen of those breakfast. Possibly

EW: Yeah.

170. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation ABRAMO is discussing the effects of narcotics he had previously experienced, and is making additional arrangements to obtain additional quantities of drugs from WOLOWIEC.

171. On August 31, 2004, at approximately 3:58 p.m., MACPHERSON, using **cellular telephone 2**, received a telephone call from Jennifer LOTEMPIO (JL)) at (716) 603-5737 regarding narcotics previously obtained from either WOLOWIEC or MACPHERSON.

NM: Was he happy with that stuff?

JL: What ... yeah ... yeah he was. He was very happy with that stuff.

NM: Good, good, good, good.

JL: ... excited. I got my man back in the normal mood.

172. On September 1, 2004, at approximately 8:56 a.m., WOLOWIEC, using **cellular telephone 2**, received a telephone call from Jennifer LOTEMPIO at (716) 603-5737. LOTEMPIO requested narcotics from WOLOWIEC by saying, "... Can you just uh, by any chance can you get fifteen (15) biscuits?"

173. On September 12, 2004, at approximately 3:39 p.m., WOLOWIEC, using **cellular telephone 2**, received a telephone call from Nicholas ABRAMO (NA) at (716) 417-1662 regarding the availability of narcotics.

NA: Are you going, are you going?

EW: Hang on one minute. I keep fucking dropping the phone.

NA: Sure ... Uh, well, when do you want to meet up?

EW: Um, well, I gotta, I gotta go ... go shopping again.

NA: ... Oh, um, alright. That's cool.

EW: Um, I'll probably go shopping during the week sometime, alright?

NA: No problemo.

174. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation, ABRAMO is making arrangements to obtain additional quantities of drugs from WOLOWIEC.

175. On September 19, 2004, at approximately 6:45 p.m., WOLOWIEC, using **cellular telephone 2**, dialed a telephone number registered to Nicholas ABRAMO (NA) at (716) 417-1662. Within the voice mail message, it appears that WOLOWIEC states that he has the narcotics available for him by saying, "Hey! Nick. Nick. Eddy. All set. Give me a call. We're going to the casino, but I'll be back later. Um, miss you guys, and uh, give me a call. Okay? I'm all set with, you know. With the uh, the line. Bye."

(17) Vito LAVANGO

176. Pursuant to interceptions obtained as a result of the aforementioned court authorized Title III interception orders, Vito LAVANGO has been identified as both a drug distributor of narcotics and drug customer of Edward WOLOWIEC. The following is a representative collection of various telephone conversations, which demonstrates the drug relationship between WOLOWIEC and LAVANGO.

177. On August 25, 2004, at approximately 7:26 p.m., WOLOWIEC, using **cellular telephone 2**, contacted Vito LAVANGO at (716) 773-

3111 at RITE AID Pharmacy in Grand Island, NY. Through surveillance, ICE has learned that LAVANGO is currently employed as the pharmacy manager at RITE AID Pharmacy located at 2156 Grand Island Boulevard, Grand Island, NY. Initially, WOLOWIEC inquired about stopping into the pharmacy:

EW: Could I stop by?

VL: F-or what?

EW: The usual.

VL: Um, no, I can't, you know, it's, only once in awhile, you know what I mean?

EW: Uh-huh.

VL: If you need Y the syringes we're fine, but the other stuff, that was just like a bonus once in awhile."

EW: Okay.

VL: Yeah, if I see you, once in awhile and had extras, you know

EW: Okay.

VL: But like, I can't be like, all the time. You know what I mean.

EW: Yeah, yeah. I don't expect this for nothing, you know.

VL: Yeah. So, I just, you know, took care of you for awhile. But, I

EW: Um, yeah. I'm on for that. But, uh, well let me know when, when, when it's good.

VL: Yeah, plus you know what I was gonna say, uh, it'd probably be better like if I, you know, saw you, in person, stop by and you know what I mean?

EW: I don't like to always go to your work.

VL: You don't like that?

EW: Oh, I could, I mean, just to get Lor

VL: No, I know, but

EW: syringes.

VL: Oh, that's cool, that's not a problem. But I mean the other stuff is

EW: Yeah, I know. I know.

VL: It'd be easier if like I did last time, like I just saw you, 'here you go, no prob'
EW: Yeah. Yeah.

178. Later, both WOLOWIEC and LAVANGO discussed helping each other out by providing "supplies" that the other needs:

VL: But those, those vitamins, that's kind of like, 'ah.'

EW: True.

VL: You know? Just remember me when I, uh, come see you guys for other stuff. You know what I mean?

EW: Oh yeah.

VL: That's all. That's all I ask. You know what I mean?

EW: Yeah.

VL: One favor for another favor. You know?

EW: Not looking for any money.

VL: Right, well, no. That's exactly. You know.

EW: Yeah, help each other out.

179. Toward the end of their conversation, LAVANGO indicated to WOLOWIEC to stop in and see him (at the RITE AID Pharmacy) in order to obtain an unspecified quantity of narcotics or narcotics related supplies:

VL: ... Sure. Well yeah, listen, if you needed those ten (10), whatever, you can swing up. That's, not a problem. You know what I mean, but it's your call.

EW: Okay.

VL: You know, there are vitamins out.

EW: Yeah, I'm out of those right now, too.

VL: Yeah, if I'm around, if not, you know what I'm saying, it's just ... I ended up, you know, just getting those as extras, you know?

EW: Um-hmm.

VL: Some freebies for you, you know what I mean? But, you know ... my, my supply runs low on that, you know?

180. Lastly, Nicole MACPHERSON, the girlfriend of WOLOWIEC, assumed control of **cellular telephone 2**, and conversed with LAVANGO about obtaining additional quantities of narcotics:

> VL: Yeah, well let me know. I mean, I don't know how much for the running you know? How much work?
>
> NM: Um ... well, I don't know, 'cause I'm, I'm getting forty (40) of 'em, so, I just, I think it's gonna be a group price. I'll let you know when I get them. But they are ... initially
>
> VL: Yeah
>
> NM: I don't know how much they are. He hasn't given me a price on 'em yet. I'll, I'll get the price when I go down and pick them up.
>
> VL: Yeah, let me know what you want, and I'll let you know if I'm interested. How's that?
>
> NM: O-okay then.

181. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation WOLOWIEC is making arrangements to obtain additional quantities of drugs and drug paraphernalia through an exchange of drugs with LAVANGO.

182. On September 16, 2004, at approximately 3:03 p.m., MACPHERSON, using **cellular telephone 2**, contacted Vito LAVANGO at (716) 773-3111 at RITE AID Pharmacy in Grand Island, NY. Throughout the conversation, both individuals discussed obtaining narcotics from each other.

NM: ... Oh, Sonny, wants to know if he can get some blue birds from ya.

VL: Yeah, if, I'll see if I can, you know, find something.

NM: Alright.

VL: Probably not but if I find something, I'll, I'll always

NM: Yeah, just let him know. No problem.

VL: Yeah, just because of other circumstances, you know?

NM: Oh, I know. I understand.

VL: Yeah, but you know I'm always ... if I find anything, I'm sure I can ...

NM: Oh yeah, and I'll let you know, yeah, I'm waiting on some other things. Well, we'll just talk about it Saturday.

VL: Yeah, I'd rather talk to you in person. That's why I was calling, to see if you guys were stopping by, you know?

NM: Yeah.

VL: I don't know if you ever picked that other stuff up, you know?

NM: Alright, we'll talk to you later.

183. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation MACPHERSON is making arrangements to obtain additional quantities of drugs from LAVANGO while he is working as a Pharmacist at RITE AID Pharmacy.

(18) Juan ACEVEDO

184. Pursuant to interceptions obtained as a result of the aforementioned court authorized Title III interception orders, and information received from CS-3, Juan ACEVEDO has been identified as both a drug distributors and customers of narcotics. The following is a representative collection of previous activity conducted by

Juan ACEVEDO as well as various telephone conversations which demonstrates the drug relationship between WOLOWIEC and ACEVEDO.

185. On September 2, 2004, at approximately 4:59 p.m., your affiant received a telephone call from ICE SA Michael Dombek, who, at the time, was monitoring the Title III wire room at the ICE SAIC Office. ICE SA Dombek indicated that WOLOWIEC received a telephone call from Juan ACEVEDO, who requested that WOLOWIEC drop some things off to him. Acknowledging, WOLOWIEC stated that he would put some pants on and subsequently leave in a few minutes. At approximately 5:31 p.m., ICE SA Dombek contacted your affiant indicating that Juan ACEVEDO requested that WOLOWIEC bring over "ten (10) CDs," instead of "five CDs" as previously requested. WOLOWIEC stated that he would be right over. Through conversation with CS-1, ICE has learned that "CDs" would be considered an example of a slang term for Ecstasy. At approximately 5:40 p.m., ICE SA Matthew Scarpino and DEA SA William Rodgers observed WOLOWIEC and MACPHERSON, in their vehicle, pulled over to the side of Amherst Street, Buffalo, NY, in front of the Amherst Courtyard Apartments at the intersection of Amherst Street and Delaware Road. MACPHERSON exited the vehicle and entered an apartment building. WOLOWIEC parked the vehicle in the Mobil gas station parking lot at the intersection of Amherst Street and Delaware Road, across from the Amherst Courtyard Apartments. WOLOWIEC walked across Amherst

Street and entered the apartment building. WOLOWIEC and MACPHERSON possibly entered 976 or 978 Amherst Street - unit unknown at the time. However, ICE has previously learned that Juan ACEVEDO currently resides at 978 Amherst Street, Apartment #7, Buffalo, NY, the same apartment complex WOLOWIEC was observed entering.

186. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation as well as what was observed through various surveillance agents, ACEVEDO is making arrangements to obtain additional quantities of drugs from WOLOWIEC. In turn, surveillance agents observed WOLOWIEC and MACPHERSON enter the apartment building known by ICE agents to be the residence of ACEVEDO.

187. On September 4, 2004, at approximately 11:25 p.m., WOLOWIEC, using **cellular telephone 2**, received a telephone call from Juan ACEVEDO at (716) 876-8187 regarding the possibility of obtaining narcotics. During the conversation, it appeared that ACEVEDO was waiting on SWEENEY for an unspecified quantity of narcotics, but now was questioning WOLOWIEC.

JA: Hey ... if he can't do anything, could you get any ... ?
EW: Um, yeah ... Uh yeah.
JA: You can?
EW: My girl's got a few.

(19) Michael MARCUCCI

188. Pursuant to interceptions obtained as a result of the aforementioned court authorized Title III interception orders, Michael MARCUCCI has been identified as both a drug distributor and customer of narcotics. The following is a representative collection of various telephone conversations, which demonstrates the drug relationship between WOLOWIEC and MARCUCCI.

189. On August 25, 2004, at approximately 9:01 p.m., WOLOWIEC, using **cellular telephone 2**, contacted Michael MARCUCCI at (716) 563-0630. Initially, WOLOWIEC indicated that he had returned and is back. MARCUCCI questioned WOLOWIEC whether he was planning on being around on Friday because, "... I'm wanna get something."

189. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation, MARCUCCI is making arrangements to obtain additional quantities of drugs from WOLOWIEC.

190. On August 27, 2004, at approximately 3:28 p.m., WOLOWIEC, using **cellular telephone 2**, received a telephone call from Michael MARCUCCI at (716) 563-0630 regarding narcotics distribution.

> MM: Yeah, I got that and of them other things. So I ain't got the tabs till Monday.

EW: Okay. Alright, ah, well call me first. Make sure

MM: ... over there. This dude keeps calling me for tabs. And I'm like, 'dude I ain't giving 'em to you, you know.

EM: So I was like, 'I'm giving them to my friend, today.

MM: Yeah.

191. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation, MARCUCCI is making arrangements to obtain an unspecified amount of drugs from an unknown source, while supplying those drugs to other individuals, including WOLOWIEC.

192. On September 10, 2004, at approximately 6:04 p.m., WOLOWIEC, using **cellular telephone 2**, received a telephone call from Michael MARCUCCI at (716) 563-0630 regarding the same of a prescription of narcotics.

MM: Uh, I'll give you that, I'm gonna give you that script come next weekend. Uh some extra money.

EW: Okay.

MM: Alright?

EW: Alright.

MM: I figured maybe we'd do something next weekend.

EW That's be good.

193. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation, MARCUCCI is making arrangements to sell

a script for prescription drugs to WOLOWIEC in order to make some extra money.

(20) Michael CALIGIURI

194. Pursuant to interceptions obtained as a result of the aforementioned court authorized Title III interception orders, and information received DEA, Michael CALIGIURI has been identified as a distributor of narcotics. The following is a representative collection of previous activity conducted by Michael CALIGIURI.

195. Following his arrest by DEA and Erie County Sheriff's Department (ECSD) on February 21, 2002, Michael CALIGIURI was given his Miranda Warnings and interviewed. CALIGIURI and another individual, Francesco Paradiso, had been involved in two (2) controlled "buys" of narcotics, namely for 100 MDMA pills each. CALIGIURI said he helped Paradiso sell a total of 200 MDMA tablets to an ECSD Undercover Officer on January 22, 2002 and January 25, 2002 (100 tablets each sale). CALIGIURI said he received $200 from Paradiso as payment for protecting Paradiso during the deals. CALIGIURI said Paradiso gave him the $200 after the sale on 01/22/02 and Paradiso said the $200 was half the profits from the sale. CALIGIURI said Paradiso purchased the tablets, which were white in color, from an unknown source in Queens, NY for $8 per tablet. CALIGIURI said Paradiso made one (1) trip to Queens to

purchase the tablets and that CALIGIURI did not accompany Paradiso. CALIGIURI said Paradiso made the trip on the Sunday before the first deal (01/20/02). After the debriefing, CALIGIURI was processed and signed a Waiver of Speedy Arraignment.

(21) Robert FRASER

196. Pursuant to interceptions obtained as a result of the aforementioned court authorized Title III interception orders, Robert FRASER has been identified as both a drug distributor and customer of narcotics. The following is a representative collection of various telephone conversations, which demonstrates the drug relationship between WOLOWIEC and FRASER.

197. On August 31, 2004, at approximately 9:11 a.m., WOLOWIEC, using **cellular telephone 2**, contacted Robert FRASER at (716) 603-4695. Within the conversation, FRASER indicated that he had used an unspecified amount of narcotics, namely ketamine, and that he was inquiring as to when WOLOWIEC would be returning to his location with more narcotics.

RF: Where are you?
EW: Am in my way back.
RF: Where where are you Eddie?
EW: I'm just around the corner.
RF: Oh okay.
EW: ... How are you guys doing alright?
RF: No we're all K out or something like that.

198. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation, FRASER, already under the influence of narcotics, namely ketamine ("K"), is inquiring as to the location of WOLOWIEC, his supply for additional quantities of narcotics.

199. On September 10, 2004, at approximately 5:25 p.m., WOLOWIEC, using **cellular telephone 2**, received a telephone call from Robert FRASER at (716) 603-4695. When questioned about his plans for the evening, WOLOWIEC indicated that he might be going to the Marriott because, "... Anthony, DJ Anthony called me. He said to stop up there."

(22) Ryan BRUNNER

200. Pursuant to interceptions obtained as a result of the aforementioned court authorized Title III interception orders, and information received from other law enforcement officers, Ryan BRUNNER has been identified as both a drug distributors and customers of narcotics. The following is a representative collection of previous activity conducted by Ryan BRUNNER as well as various telephone conversations, which demonstrates the drug relationship between WOLOWIEC and BRUNNER.

201. On August 31, 2004, at approximately 3:05 p.m., WOLOWIEC, using **cellular telephone 2**, received a telephone call from RYAN LNU

(later identified by ICE as Ryan BRUNNER) at (716) 622-0559 regarding the availability of narcotics. Specifically, BRUNNER inquires about the availability of narcotics.

RB: But listen, um, like oxy or anything like that
EW: Um.
RB: Darvs or lors or pers or

EW: Darvs
RB: Darvs?
EW: Yeah.
RB: Alright, which, what color? They're not pink are they?
EW: No.
RB: There's some of the other things for sure?
EW: I don't have those with me, but I've got other stuff.

202. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation, BRUNNER is inquiring as to the availability of prescription drugs, namely Darvocets, Loritabs, or Percocets, from WOLOWIEC.

203. On September 2, 2004, at approximately 7:49 p.m., WOLOWIEC, using **cellular telephone 2**, dialed (716) 622-0559, a telephone number later identified by ICE to be utilized by Ryan BRUNNER). During the conversation, both individuals make reference to narcotics, namely cocaine, previously supplied by WOLOWIEC to Nicholas ABRAMO and Jennifer LOTEMPIO. Moreover, toward the end of the conversation, BRUNNER inquires about the availability of narcotics, namely Loritabs.

EW: Nick just called. Bitching about us.
RB: Yeah.
EW: About the coke.
RB: What was said.
EW: Nah he just said that uh, well that, that was cut down three (3) times, or cut down three (3) times. I said no it wasn't.
RB: It was what?
EW: And you know what I let him try it first you know.
RB: Um-hm.
EW: All right he calls, he comes over wanting something. All right he comes over and he you know he sees that were gonna be having some. He tried it, I gave him a huge line.
RB: Um-hm.
EW: And then he's um, he wanted, you know some so I got it for him and he calls me today now. 'Oh Ryan says that, that stuff is cut down three (3) times. What is that? I hate that
RB: You think I'd really tell him that?
EW: ... What you, you wanna go buy it yourself, go get it yourself and come up with the cash you know.
RB: ... No, you and I both know I hate that fucken kid so what the hell?
EW: I won't even say nothing to Jen or him anymore.
RB: No problem.
EW: Because the two (2) of them, Jenni just bad, she wants everything for nothing. Go get it yourself then.
RB: ... Definitely, what are you guys up to?
EW: I'm just so fucken tired man, of the bullshit. I got some Loritabs.
RB: Some LT's?
EW: Yeah.
RB: How many?
EW: I got uh, I bought a script from a guy.
RB: Can you uh, can you hook me up Ed?
EW: I got about forty (40) of them.
RB: Can you hook me up?
EW: Yeah I can hook you up.

204. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation, both WOLOWIEC and BRUNNER are discussing events related to WOLOWIEC supplying varying amounts of cocaine to both Nicholas ABRAMO and Jennifer LOTEMPIO, his girlfriend.

Moreover, toward the end of the conversation, BRUNNER questions WOLOWIEC as to the availability of prescription drugs, namely Loritabs.

205. On September 15, 2004, both ICE agents and NYSP Investigators initiated a surveillance operation at 216 Nassau Avenue, Buffalo, NY, herein referred to as PREMISES#1. At approximately 6:43 p.m., a New York plated vehicle (BNV 7565) arrived at PREMISES#1 occupied by one (1) female driver and one (1) male passenger. Both individuals, subsequently, entered PREMISES#1. A record check through TECS revealed that the vehicle, a 2002 black Honda, is registered to Pamela S. BRUNNER (DOB 12/19/1955) residing at 1358 East Robinson Road, North Tonawanda, NY.

206. At approximately 6:51 p.m., both the aforementioned female driver and male passenger of New York plated vehicle (BNV 7565) departed 216 Nassau Ave. reentered their said vehicle, and departed from the residence area.

207. At approximately 6:59 p.m., the aforementioned New York plated vehicle (BNV 7565) was stopped by NYSP for traffic violations on Colvin Boulevard approximately fifty (50) yards north of the Brighton Avenue and Colvin Boulevard intersection. Subsequent to the said NYSP traffic stop, this writer spoke with

NYSP Trooper David Overhoff. Based on his stop, it was determined that the name of the driver was Ryan N. BRUNNER, DOB 08/28/1982, (DMV ID # 481 850 029), a female, residing at 1358 East Robinson Road, North Tonawanda, NY. (This information is consistent with a record check conducted through TECS regarding the registered owner of New York plated vehicle BNV 7565.) Additionally, NYSP Trooper Overhoff was able to identify the passenger of the said vehicle as well. In particular, he was identified as C.T. TUCKER, JR., DOB 03/25/1979, (DMV ID # 852 087 798), a white male residing at 158 Keil Street, Apartment #2, North Tonawanda, NY.

208. On September 20, 2004, at approximately 6:10 p.m., WOLOWIEC, using cellular telephone 2, received a telephone call from Ryan BRUNNER at (716) 622-0559. During the conversation, BRUNNER questioned WOLOWIEC regarding the availability of prescription drugs that WOLOWIEC was able to obtain. After describing the strength of the prescription drugs, WOLOWIEC assured BRUNNER that they will discuss price when she comes over to his residence.

209. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation, BRUNNER is inquiring as to the availability and price of prescription drugs that WOLOWIEC was willing to sell to BRUNNER.

(23) April LEIKER

210. Pursuant to interceptions obtained as a result of the aforementioned court authorized Title III interception orders, April LEIKER has been identified as both a drug distributor and customer of narcotics. The following is a representative collection of various telephone conversations, which demonstrates the drug relationship between WOLOWIEC and LEIKER.

211. On September 3, 2004, at approximately 5:30 p.m., MACPHERSON, using **cellular telephone 2**, received a telephone call from April LEIKER at (716) 874-0996 regarding a large order of narcotics that LEIKER was due to pick up.

AL: Yeah. Well, that was the, frickin big order I needed for you and everybody failed to tell me that he already

NM: Oh, he already did it? Yeah.

AL: Yeah. That's so stupid. I'm like, 'you gotta be fucking kidding me!' That would'a been nice, 'cause he's the one, he asked me to call you.

211. On September 4, 2004, at approximately 7:28 p.m., MACPHERSON, using **cellular telephone 2**, received a telephone call from April LEIKER at (716) 874-0996 regarding the availability of narcotics.

AL: Are you guys gonna be home?
NM: No, we're gonna go out to the Island ... just doing a bunch of running around.
AL: Oh, 'cause I needed, uh ...
NM: Yeah, I know ... stop by your work.
AL: Alright, 'cause ...

NM: Okay?
AL: Are you definitely definitely gonna stop?
NM: Yeah, yeah, yeah honey. I am. For sure. Just stressed out right now. So ...
AL: Is it gonna be early? Because I don't wanna like ... take ...
NM: No, no. We'll be early. I just gotta do some running around first, then I'll be up that way.

212. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation, LEIKER is inquiring as to the availability of narcotics, and as to what time MACPHERSON may be able to deliver them for her.

(24) Matthew WATSON

213. Pursuant to interceptions obtained as a result of the aforementioned court authorized Title III interception orders, Matthew WATSON has been identified as both a drug distributor and customer of narcotics. The following is a representative collection of various telephone conversations, which demonstrates the drug relationship between WOLOWIEC and WATSON.

214. On September 10, 2004, at approximately 6:25 p.m., WOLOWIEC, using cellular telephone 2, contacted Matthew WATSON at (716) 400-2146 in order to discuss supplying him with an unspecified amount of narcotics, namely Ecstasy. Within the

conversation, it appeared that both individuals were discussing varying prices for Ecstasy tablets.

MW: Yeah, fucking, uh, never mind on that. I'm all good. I went, I got, I talked to someone else.

EW: You're all set?

MW: Yeah. Unless ... unless you

EW: Okay.

MW: ... can, unless you can beat seven (7).

EW: ... What, what's that?

MW: Unless you can beat seven (7).

EW: Seven (7)?

MW: Yeah.

EW: Mmm ... I don't know.

215. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation, WATSON indicates to WOLOWIEC that he has already obtained an unspecified amount of narcotics, namely MDMA (Ecstasy), but is willing to negotiate with WOLOWIEC if he (WOLOWIEC) can do better that $7 (per MDMA tablet).

216. On September 15, 2004, at approximately 9:47 p.m., WOLOWIEC, using cellular telephone 2, received a telephone call from Matthew WATSON at (716) 400-2146. During the conversation, both WOLOWIEC and WATSON discussed the apparent price for each tablet of Ecstasy that WOLOWIEC was planning on selling to WATSON. In particular, WOLOWIEC indicated as much by saying, "Y um, nine

(9) bucks a piece." In return, WATSON replied, "Nine (9) ... alright, um"

217. On September 16, 2004, at approximately 1:49 p.m., WOLOWIEC, using cellular telephone 2, contacted Matthew WATSON at (716) 400-2146 regarding an order of narcotics.

EW: Alright yeah I didn't bother um ... what we ... what we text about call me about that and whenever you want I will do.
MW: Well, I just need to know if we're good or not yes or no cause I have everything else lined up except for you.
EW: ... We're ... we're leaving in about an hour.
MW: Yeah I'm not going to be out of work by then. It's a definite thing everything is lined up I mean fuck'n if you have them I'll come get them tonight I mean there's no doubts about it.
EW: Yeah.
MW: And so there's no way you can cover it till fuck'n till I see you.
EW: Okay um ... let me see what I can do I got to ... I got to pick up a check and stuff.
MW: Alright fifty (50) a day right.
EW: Yeah, if I get enough to cover it I will.
MW: Yeah trust me you got my word I'll ... I'll come ... come see you at your house the minute you tell me your back ... everything is all good. Alright see you.

218. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation, WATSON is inquiring as to his plans to obtain narcotics from WOLOWIEC. Once WATSON obtains the said narcotics from WOLOWIEC, it appears that WATSON has additional customers he intends on selling those said narcotics to.

219. On September 16, 2004, at approximately 3:09 p.m., MACPHERSON, using cellular telephone 2, contacted Matthew WATSON at

(716) 400-2146. During the conversation, WATSON requested an additional order of narcotics from MACPHERSON through WOLOWIEC.

MW: Did Eddie tell you what ... did Eddie tell you what I wanted was he able to do it for me?

NM: Yep. Yes.

MW: Can you guys cover for me till tonight or possibly right after work tomorrow?

NM: Uh ... probably.

MW: It will be easier for me to do it tonight but you know fuck'n.

NM: Yeah he ... He is getting it for you so.

MW: Okay I just want to make sure because I'm lining other things up and if anything doesn't go through I'm going to look like a fuck'n total asshole. But I'm trying

NM: No it's alright.

MW: I'm trying to fuck'n work something out with him every week but I'll talk to him about that when I see him.

NM: Yeah, it's probably better not to talk over the phone.

MW: ... Alright well I'm going to around and collect in the meantime as soon ... as soon as you get home first thing call me cause I got to work tomorrow I ain't trying to be out to late.

NM: Well

MW: So I can shoot o ... shoot over there square up with you guys and then that's that.

220. On September 17, 2004, at approximately 9:18 p.m., WOLOWIEC, using cellular telephone 2, received a telephone call from Matthew WATSON at (716) 400-2146 regarding an order for an additional amount of narcotics.

MW: Hey, fucking ah, do ah, ch ... fifteen (15) or twenty (20) more?

EW: What?

MW: Fifteen (15) or twenty (20) more?

EW: Ah, I got to wait till I get home.

MW: ... house.

EW: ... no problem. Yeah, call me in a little while. I'll, I'll check it out.

MW: Why don't I just fucking meet you at your house in like

EW: Yeah do that.

221. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation, WATSON is inquiring as to the availability of additional amount of narcotics, namely Ecstasy, from WOLOWIEC.

(25) Louis TIBURZI, Jr.

222. Pursuant to interceptions obtained as a result of the aforementioned court authorized Title III interception orders, and information received from CS-3, Louis TIBURZI, Jr. has been identified as both a drug distributor and customer of narcotics. The following is a representative collection of previous activity conducted by Louis TIBURZI, Jr. and various telephone conversations, which demonstrates the drug relationship between MILLER, WOLOWIEC, and TIBURZI, JR.

223. On August 25, 2004, at approximately 6:43 p.m., MILLER, using **cellular telephone 1**, received a call from telephone number

(716) 563-5135, a telephone registered to Louis Tiburzi and utilized by his son, LOUIS TIBURZI, Jr. In the conversation, TIBURZI described to MILLER that he has approximately 170 Vicodin pills coming his way. It should be noted that Vicodin is a controlled substance.

224. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation, the amount of Vicodin that TIBURZI, JR. has coming his way are intended for distribution, and not personal consumption.

225. On August 27, 2004, at approximately 1:35 p.m., WOLOWIEC, using cellular telephone 2, received a telephone call from LOUIS LNU (previously identified by ICE as Louis TIBURZI, Jr.) at (716) 563-5135. TIBURZI, Jr. contacted WOLOWIEC in hopes of obtaining "Y Nicole's favorite brand of fun." Replying, WOLOWIEC instructed TIBURZI, Jr. to "come on over."

226. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation, TIBURZI'S is inquiring as to the availability of additional amount of narcotics. The "Nicole" mentioned above refers to Nicole MACPHERSON, one of the principle targets of the investigation, and who, through previously

documented information, is considered a major source of supply of narcotics.

227. During the third week of September of 2004, ICE agents conducted an interview with CS-3. During the interview, CS-3, also, identified Louis TIBURZI (previously identified by ICE agents as Louis TIBURZI, Jr.) as another individual involved with Ecstasy. CS-3 indicated that TIBURZI obtains his supply of Ecstasy from a source unbeknownst to CS-3. It should be noted that TIBURZI resides at 47 Colton Avenue, Rear Apartment, Lackawanna, NY.

(26) [redacted]

228. Pursuant to interceptions obtained as a result of the above-mentioned court authorized Title III interception orders, [redacted] has been identified as a drug distributor for Kenneth MILLER. The following is a representative collection of telephone conversations between Kenneth MILLER and [redacted], which demonstrates the drug relationship between MILLER and [redacted].

229. On August 11, 2004, at approximately 9:48 p.m., MILLER, using **cellular telephone 1**, received a telephone call from (716) 602-8703, a telephone which your affiant knows, through previously intercepted conversations, to be utilized by [redacted].

The ensuing conversation involved [redacted] assisting MILLER with drug distribution that particular evening:

KM: Are you going out tonight?
[redacted]: Uh, I'm gonna try to but I don't really have any money.
KM: Well, if you go out and uh, can move some stuff, you'll have some money.
[redacted]: What?
KM: If you go out and help me move some stuff you could make, make some money.
[redacted]: And, I'll swing by and pick you up or unless you want me to just meet you down there.
KM: Okay, um, just swing by and pick me up. It'll be easier that way.

230. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that during this conversation, both [redacted] and MILLER discuss distributing narcotics in order to make some additional amount of money.

231. On August 14, 2004, at approximately 2:41 a.m., MILLER, using **cellular telephone 1**, contacted (716) 578-8551, a telephone being utilized by [redacted]. During the conversation, [redacted] questioned MILLER regarding how he did. MILLER responds by saying that tonight wasn't going to be a good night but that tomorrow would be much more profitable. MILLER, further, indicated that "Ed" (WOLOWIEC) just didn't have anything.

232. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that

during this conversation MILLER is advising [redacted] that he had not been very successful in distributing drugs that particular night, and that WOLOWIEC was short on providing drugs to him.

(27) Dolci LNU

233. Pursuant to interceptions obtained as a result of the above-mentioned court authorized Title III interception orders, DOLCI LNU has been identified as a drug customer of Kenneth MILLER. In addition, information obtained through conversation with CS-3 further confirmed that DOLCI LNU is a customer of MILLER. The following is a representative collection of telephone conversations between Kenneth MILLER and DOLCI LNU, which demonstrates the drug relationship between MILLER and DOLCI LNU.

234. On August 4, 2004, at approximately 8:20 p.m., **cellular telephone 1** received a telephone message from (716) 444-4880, a telephone which, according to subpoenaed phone records, is linked to TAMMY BARON, but, through the interception of wire communication of **cellular telephone 1**, is utilized by DOLCI LNU (DL). The message is as follows:

DL: Hey Kenny, this is DOLCI. Um, I was calling to see if you had any, um, beans, so, gimme a call when you get this message. Bye.

Four (4) minutes later, MILLER (KM), using **cellular telephone 1**, returned the call stating the following:

KM: Um, I'm, I wasn't actually planning on coming out, but I do have um, I can go down to Marcella's if you want?
DL: Okay.
KM: Um, ... I'll probably be there around ten thirty (10:30 p.m.).
DL: About ten thirty (10:30 p.m.)?
KM: Yeah.
DL: Oh, okay. I'll, I'll call and make sure you're down here, alright?
KM: Okay buddy.

235. Later that evening, at approximately 10:36 p.m., a third conversation between MILLER and DOLCI LNU transpired:

DL: Hey Kenny, I'm pulling up right now.
KM: Okay, bud. Just come into the entrance way 'cause it's a little bit easier for me in the entrance way.
DL: Alright.
KM: You don't have to go in. Okay, I'll see you in a minute.
DL: Alright.

236. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that MILLER and DOLCI LNU were meeting at Club Marcella so that MILLER can provide DOLCI LNU with controlled substances ("beans").

237. On August 7, 2004, at approximately 1:13 a.m., DOLCI LNU contacted MILLER over **cellular telephone 1** in order to make arrangements for Tammy BARON, the wife of DOLCI LNU, to meet MILLER

in the entrance of Club Marcella's to pick-up another order of narcotics for DOLCI:

DL: Hey Kenny.
KM: Hey what's going on? I'm sorry I missed your call. I was in the club. What are you up to?
DL: You in, you in Marcella's?
KM: Yeah, yeah.
DL: You in the entrance way?
KM: Pardon me? Yeah. Yup.
DL: Okay, um, I'm gonna send um, Tammy in there. She's gonna come grab some from you real quick.
KM: Okay. Alright.
DL: Alright. She's coming in now.

238. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that BARON was meeting MILLER on behalf of DOLCI LNU at Club Marcella so that MILLER can provide DOLCI LNU with an unspecified amount of narcotics.

239. On August 15, 2004, at approximately 1:29 a.m., MILLER, using **cellular telephone 1**, received a telephone call from (716) 444-4880, a telephone which, according to subpoenaed phone records, is linked to Tammy BARON, but, through the interception of wire communication of **cellular telephone 1**, is utilized by Dolci LNU. Again, they discuss an apparent narcotics transaction at Club Marcella:

DL: Hey, uh, you still on the patio?
KM: Yeah. I'm on, I'm at uh, at the, patio.

DL: Okay, I'm gonna run up real quick. I gotta hurry up, 'cause I'm double parked out on the street.
KM: Okay buddy. Alright.

240. On August 26, 2004, at approximately 5:45 p.m., MILLER, using **cellular telephone 1**, received a telephone call from (716) 444-4880, a telephone which, according to subpoenaed phone records, is linked to Tammy BARON, but, through the interception of wire communication of **cellular telephone 1**, is utilized by DOLCI LNU. DOLCI LNU leaves a message on MILLER'S voice mail inquiring about the availability of narcotics.

(28) Andre Garner

241. Pursuant to interceptions obtained as a result of the above-mentioned court authorized Title III interception orders, Andre GARNER a/k/a "Dre" has been identified as a drug distributor associated with Kenneth MILLER. The following is a representative collection of telephone conversations between Kenneth MILLER and other members of the drug organization, which demonstrates the drug relationship between MILLER and Andre GARNER.

242. On August 8, 2004, at approximately 3:17 p.m., MILLER, using **cellular telephone 1**, contacted SARAH HANNAH-ALBON at (716) 909-1305. In the conversation, MILLER requested HANNAH-ALBON to question Andre (Andre GARNER) for any "meow mix." HANNAH-ALBON,

who was with DRE, had MILLER speak with DRE personally. As a result, MILLER questioned DRE about "meow mix." When DRE responded that he, indeed, had some, MILLER replied, "Um, okay. I'm going to be over in a little bit then, okay? I just, uh, some friends need me to stop by so I will be over in a little while." Based upon your affiant's training and experience, and familiarity with this investigation, your affiant believes that during this conversation MILLER and Andre GARNER are discussing Andre GARNER's ability to provide a quantity of a controlled substance (possibly GHB - "meow mix").

243. On August 8, 2004, at approximately 7:30 p.m., MILLER, using **cellular telephone 1**, received a telephone call from (716) 444-8529, a telephone which, according to subpoenaed phone records, is utilized by Erin ROCHE (ER). Initially, MILLER indicates that ROCHE can smell the "E" on him through the phone. Then, they discuss the price of additional quantities of narcotics:

KM: ... very, very, very good but, um, it's fifty (50) a half gram.
ER: For how much? Fifty (50)?
KM: Fifty (50) a half. A half. Yeah. I, I, it's fucking ... it's, it's from Andre ("Dre LNU).
ER: It's, it's that good, huh?
KM: Yes, yes ... yes, yes. Not, not, not, not not the usual from like ...
ER: [*ASIDE*: Fifty (50) a half gram]
KM: Yeah I can.
ER: Yeah. Apparently, that's uh, a little too much.

244. Based upon your affiant's training and experience and familiarity with this investigation, your affiant believes that Erin ROCHE, a former girlfriend of MILLER, and MILLER are discussing Andre GARNER'S ability to provide small quantities of a controlled substance (possibly cocaine, *i.e.*, "half a ball") for $50 for a half gram.

245. On August 15, 2004, at approximately 7:47 p.m., MILLER, using **cellular telephone 1**, received a telephone call from (716) 400-2689, a telephone which, according to subpoenaed phone records, is utilized by KELLY GALVIN. Initially, GALVIN stated that she was coming over to MILLER'S apartment because she has to settle up with him. In addition, GALVIN inquires as to whether MILLER has any left. MILLER states that he only has "two" (2) left. MILLER did, though, indicate to "Andre" (Andre GARNER) that he may be getting some more. GALVIN replies by stating that there is a drought. MILLER, in turn, states that he does not want to talk about this over the telephone, and instructs her to talk later.

246. During the third week of September of 2004, ICE agents conducted an interview with CS-3. During the interview, CS-3 mentioned the name of "DRE" LNU (now known by ICE as Andre GARNER), a black male who currently resides on Tracy Street, Buffalo, NY. He was previously employed as a bartender at CLUB E. He, primarily, distributes narcotics at CLUB MARCELLA, CATHODE RAY, and

THE UNDERGROUND, all nightclubs located within Buffalo, NY. CS-3 believed that "ANDRE" LNU is the main source of supply for primarily ketamine, but distributes Ecstasy as well.

(29) Dan SCHOOLEY
(30) [redacted]

247. Pursuant to information received from both CS-3 as well as ICE SA Matthew Scarpino, both Dan SCHOOLEY and [redacted] have been identified as operators of a marijuana "grow" operation. The following is a representative collection of previous activity involving both Dan SCHOOLEY and [redacted] as well as details of an undercover "meet" involving CS-3, ICE SA Matthew Scarpino and both Dan SCHOOLEY and [redacted].

248. On October 7, 2004, during a meeting with both ICE SA Grant Friday and your affiant, CS-3 provided information about a marijuana operation in Lackawanna, NY. In particular, CS-3 stated that the tenants, both Dan SCHOOLEY and [redacted], who reside in the upper apartment at 47 Colton Avenue, Lackawanna, NY are currently operating a "grow" operation for marijuana. On numerous occasions, CS-3 stated that he/she has physically been present inside of the upper apartment, and personally witnessed at least thirty (30) marijuana plants being developed. Moreover, CS-3 has indicated to this writer that he/she has experienced a distinct odor of marijuana emanating from the upper apartment.

249. On October 28, 2004, your affiant served an ICE administrative subpoena onto Niagara Mohawk in order to obtain further intelligence for 47 Colton Avenue, Upper Apartment, Lackawanna, NY. Results indicated that the name of record on the account servicing 47 Colton Avenue, Upper Apartment, Lackawanna, NY is [redacted]. Your affiant received additional biographical information about [redacted] as well. Your affiant has since verified that information with records obtained from the New York State Department of Motor Vehicles (DMV). According to the records obtained from Niagara Mohawk, [redacted] officially opened the account on August 13, 2004. In attempting to review the electrical meter usage, your affiant contacted Ellen Christy, Security Manager (West) for the Buffalo (NY) Office of Niagara Mohawk. Ms. Christy indicated that since the opening of the aforementioned account, the total kilowatt per hour usage is extremely high. In fact, Christy considered it to be unusually high based on the type of residence, namely an apartment. Specifically, for the most recent records available, the total kilowatt per hour usage was 1246 for the first month and 891 for the second month. All other related readings for that apartment over the course of the previous fourteen (14) months failed to

reach 500 total kilowatt per hour usage for any one (1) single month. In fact, the average, itself, was approximately 200 total kilowatt per hour usage.

250. On November 1, 2004, CS-3, under the direction of your affiant, contacted SCHOOLEY, and indicated that his/her Ecstasy connect (ICE SA Scarpino acting in an undercover capacity) was interested in obtaining some marijuana. In fact, this Ecstasy connect was possibly even interested in trading Ecstasy for marijuana. At the request of CS-3, SCHOOLEY indicated that he would like to meet ICE SA Scarpino and discuss some of these arrangements in more detail.

251. On November 2, 2004, a consensually monitored undercover "meet" was conducted between CS-3, ICE SA Scarpino, SCHOOLEY, and [redacted] at 47 Colton Avenue, Lackawanna, NY. At approximately 7:46 p.m., CS-3 met up with SCHOOLEY, and formally introduced ICE SA Scarpino. ICE SA Scarpino was introduced to an individual who identified himself as DAN. CS-3 later confirmed his identity as Dan SCHOOLEY. Once introduced, ICE SA Scarpino engaged SCHOOLEY in conversation and expressed an interest in buying marijuana or trading marijuana for tablets of Ecstasy. In fact, SCHOOLEY had

extensive knowledge in the matter of actually growing and producing marijuana for distribution. After a brief conversation, SCHOOLEY invited both CS-3 and ICE into his upper apartment to observe the marijuana "grow" operation. Upon entering 47 Colton Avenue, Upper Apartment, Lackawanna, NY, SCHOOLEY introduced ICE SA Scarpino to his girlfriend, [redacted]. While in a room at 47 Colton Avenue, Upper Apartment, Lackawanna, NY, ICE SA Scarpino observed approximately twelve (12) marijuana plants ranging from 5" to 12" in height, two (2) high-powered lights, two (2) fans, approximately twelve (12) bottles of plant chemicals, and other equipment consistent with a marijuana "grow" operation. In addition, ICE SA Scarpino observed eight (8) of the marijuana plants directly against the wall of the room under a high-powered light. Furthermore, ICE SA Scarpino observed approximately four (4) other marijuana plants located in the closet of the same room directly under a high-powered light. The room, itself, had a distinct odor of marijuana.

252. At approximately 8:09 p.m., both CS-3 and ICE SA Scarpino exited 47 Colton Avenue, Upper Apartment, Lackawanna, NY and departed from the residence. At approximately 8:15 p.m., the recording device was deactivated.

Recent arrest: MDMA tablets destined for WDNY

253. On November 22, 2004, at approximately 11:30 p.m., MICHELLE TUCKER attempted entry into the United States at the Peace Bridge Port of Entry in Buffalo, N.Y. TUCKER had been identified as an interceptee/violator during the wiretaps but at the time was only known to ICE agents as "Michelle" LNU. TUCKER was driving in a gold Saturn sedan, bearing New York registration BGT-9724. Upon primary inspection, TUCKER stated that she was in Canada to visit her boyfriend, and that she was driving her grandmother's vehicle. TUCKER was referred for Customs secondary.

254. During secondary examination, Customs and Border Protection Officers instructed TUCKER to complete a written declaration. TUCKER declared nothing. Customs and Border Protection Officer's Canazzi and Stacy escorted TUCKER to the secondary detention cell to begin a pat-down. Before initiating the pat-down, Officer Canazzi asked TUCKER if she had any sharp objects or anything on her person. At this time, TUCKER voluntarily produced two (2) plastic ziplock bags containing multiple blue pills.

255. Subsequent to this discovery, CBP Officers performed a field narcotics test on the pills. The pills tested positive for the presence of MDMA. Two bags of MDMA ("Ecstasy") were discovered, with a total weight of approximately 294 grams. The two bags contained 999 pills. Also discovered in the zip locked bags, were two additional packets. One packet contained seven (7) strips of dark colored paper, consistent with that of lysergic acid diethylamide (LSD). The other packet contained 13.6 grams of a white powdery substance, consistent with ketamine. (Field narcotic tests for cocaine were negative.) TUCKER also had a cellular telephone on her person.

256. Based upon my familiarity with the case, these pills were likely carried from Canada into the U.S. and destined for The Buffalo area to be delivered to Brett Snyder and Geoff Sweeney for distribution and about the Western District of New York. In the past, Tucker has also purchased MDMA tablets from Ken MILLER.

WHEREFORE, in view of all of the foregoing, your affiant respectfully submits that there is probable cause to believe that **Kenneth MILLER**, **Edward WOLOWIEC**, **Nicole MACPHERSON**, **Geoff SWEENEY**, **Nicole FLIERL**, **Christine WALSH**, **Jonathan CASEY**, **George FERRIS**, **Katherine DICKINSON**, **Angelina BELLA**, **Dean DAMICO**, **Michael OLEJARZ**, **Jodi OLSZEWSKI**, **Lynne HEBERLEIN**, **Nicholas ABRAMO**, **Jennifer LOTEMPIO**, **Vito LAVANGO**, **Juan ACEVEDO**, **Michael MARCUCCI**, **Michael CALIGIURI**, **Robert FRASER**, **Ryan BRUNNER**, **April LEIKER**, **Matthew WATSON**, **Louis TIBURZI, Jr.**, [redacted] **Dolci LNU**, **Andre Garner** **Dan SCHOOLEY**, and [redacted] did knowingly, intentionally, and unlawfully combine, conspire and agree together, and with others known and unknown, to smuggle, possess with intent to distribute, and to distribute, quantities of MDMA, GHB, ketamine, cocaine, marijuana in violation of with violations of Title 18, United States Code, Section 545; Title 21, United States Code, Section

841(a)(1); Title 21, United States Code, Section 960 and 963; and all in violation of Title 21, United States Code, Section 846.

MARK E. REIMANN
Special Agent
U.S. Immigration and Customs
Enforcement

Sworn to before me this 14th
of December, 2004.

HONORABLE H. KENNETH SCHROEDER, JR.
United States Magistrate Judge